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Nightmares—*John Osborne*
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A Bad War Powers Bill—*The Editors*

Reviews of Alan Sillitoe, Kingsley Amis, Malcolm Muggeridge, Joyce Carol Oates

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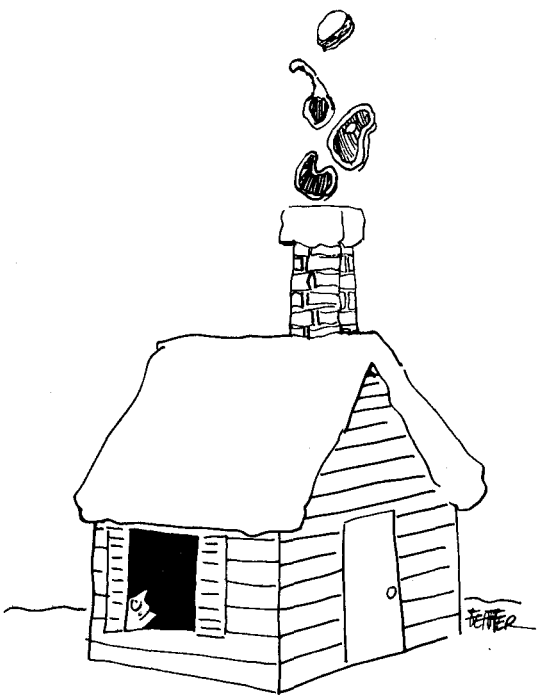

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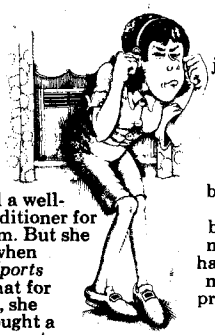
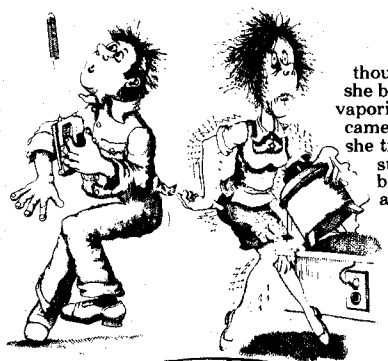
Ten little losers, standing in a line. One bought our magazine. Then there were nine.

To save time, Al bought an electronic mini-calculator for his personal bookkeeping. But he really miscalculated when he overlooked the model with more convenient operation—at $50 *less!*

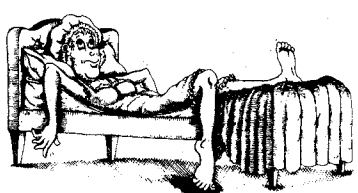


Betty selected a well-known air conditioner for her living room. But she lost her cool when *Consumer Reports* pointed out that for just $30 more, she could have bought a model that was not only quieter—but used 25% *less* power!

Charlie was just too rushed to check with *Consumer Reports* before he bought his new staple gun. So his $15 bought him a lot more than he bargained for: a model that was hard to load, jammed easily—and presented a safety hazard, too!

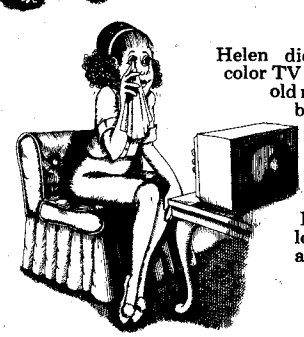


Dora never gave a thought to safety when she bought her $8 steam vaporizer . . . so the truth came as a shock the day she tilted it while it was still plugged in. Too bad she didn't know about a *safer* model —for the same $8!



Ed walked away whistling about the deal he got on a new $350 stereo receiver. But he changed his tune when he found *five* models in *Consumer Reports* that could have been "best buys" for him—all costing about $100 *less!*

"Cheap is cheap" muttered Flora, when her bargain $120 innerspring mattress started to sag. She could have enjoyed a more durable model (rated a "Best Buy" in *Consumer Reports*) for the same $120!



Helen didn't need a color TV just to watch old movies, so she bought a 19" black-and-white set for the den. How could she know Errol Flynn would look better on a set that cost $40 *less?*

George thought fly-casting might be fun—and plunged into it with a fancy $45 rod. The model that would have performed just as well? A Consumer Reports "Best Buy" at just $14!

Ira figured his new $39 extension ladder *had* to be good. But the ladder proved as shaky as his reasoning. Too bad he didn't consult *Consumer Reports*. He could have bought a *steadier* model—at $6 *less!*

Jim finally decided he'd *had* it with garden hoses that kinked or burst, exterior wood stains that chalked and mildewed, can-openers that didn't open cans, 'bargain' vacation tours that were anything but, rancid frozen-fish fillets, and 'convenience' appliances that caused more problems than they solved. He subscribed to *Consumer Reports.*

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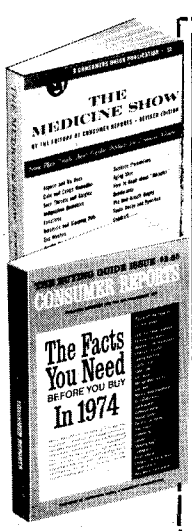

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TRB

from Washington
October 27, 1973

What Next?

Richard Nixon has thrown away his election mandate more quickly and completely than any other President in history. It is something to consider as the anniversary of his great political landslide approaches.

Mr. Nixon's trouble is self-induced, unlike that of the unfortunate Herbert Hoover, who was rolled over by the 1929 Depression. Unlike Hoover, Nixon did it alone and unaided.

Generally election winners make conciliatory statements and try to heal wounds. All the more reason for Mr. Nixon to have done this in 1972 because those of the electorate who bothered to vote showed by giving Democrats control of Congress that they didn't care for him very much. But being magnanimous isn't easy to be when you live in a mansion that is like a besieged palace and when you believe your critics have base motives. In a historic interview published on the heels of his victory, Mr. Nixon continued his attack on the "breakdown" of "the leadership class," characterized the "average American" as "just like the child in the family," and gave a promise of a "strong" foreign policy (which rather makes you shudder in today's Middle East war).

Mr. Nixon misinterpreted the mood of the country and his own election mandate. He had a chance to end his isolation, to disband his conspiratorial clique and to mellow in victory. He didn't. He was as aloof as ever, held no more press conferences, let few congressmen past his guards.

In short the Haldeman-Ehrlichman regime was stronger than ever. The President showed a kind of zest in provoking former opponents. He seemed eager to hit Congress before it hit him. He put forward extraordinary claims of impoundment and of executive privilege, and without waiting for the consent of Congress undertook the consolidation of the Cabinet into super-posts watched over by agents from the inner network.

It wasn't really Watergate that toppled the apple cart, I think; it was a manifestation of the spirit that surrounded the whole administration. You can pick out your own example. The claim of John Mitchell of "inherent right" to tap wires without judicial approval (thrown out unanimously by the Supreme Court); the argument by Attorney General Kleindienst that none of the 2.5 million federal employees need testify to Congress "if the President so commands"; the activities of eager little Howard Phillips, acting director of OEO, to dismantle that poor-man's agency before Congress could stop him.

What a change in one year. Who could have believed it then? Mitchell, Stans, Ehrlichman, Haldeman all gone. Then Agnew. I pasted up on my wall a page from a newspaper, dated May 26, with pictures of the whole Watergate crew. One by one I crossed them out with a red pencil. Eighteen—all gone. Some are waiting trial, some indicted, some in jail.

It began before Watergate, however; before the election. Jimmy Hoffa had his sentence suddenly commuted by the President; the Teamsters made nice contributions to the campaign. There was ITT; the dairy case; the delivery of $200,000 in cash by an agent of international financial freebooter Vesco. The wiretaps, the break-ins, the sneaky bit of telling the judge in the Ellsberg case that he was being considered to be FBI chief. It went on and on.

The public is sick and tired of it. It wants out. A year ago there was a cheerful reaction as there is after every election, and many Democrats joined in. The atmosphere had cleared, they said, and the nation could go back to normal things. It didn't turn out that way. Think of the extraordinary tableaux.

Elliot Richardson, the Boston blueblood, on national television, praising Agnew for resigning as though he were a public benefactor instead of a crook. Mr. Nixon festively announcing the name of Gerry Ford, as merry as a jig on a coffin. (Thank God the Supreme Court stayed away.) After that Ford himself in various interviews—the likeable congressional second-rater who will never overshadow the President nor worry about the poor. Most recent scene—the final pathetic, boring speech of broken Spiro Agnew.

You say to yourself, this can't last, this is over now; thank heaven we are through the woods! Not at all, I am afraid; the thing stretches ahead. All the trials of the Watergate crew; the business with Agnew over his income tax penalties; the prospect that the Supreme Court will slap Mr. Nixon down on the tapes as two lower federal courts have already done.

That isn't the end perhaps. Questions, like flies, swarm around Mr. Nixon's finances. The sullen, cynical public is ready to believe anything now. Would a man who set up a personal White House secret police (the "plumbers"), who bombed Cambodia without authorization from Congress, who utilized a surreptitious taping system for Oval Office visitors and then interpreted his "inherent powers" to justify withholding the evidence, who conveniently managed to know nothing about Watergate—would he manage to be ignorant also about other financial oddities?

Mr. Nixon has been living rather regally. He has that home on Pennsylvania Avenue, the Catoctin Mountain retreat, some hideaways with rich friends off shore, and the Florida and California "White Houses." On a $200,000 salary it appears that he almost avoided income tax by spreading the gift exemption of his donation of vice presidential papers over several years. He bought his San Clemente property with advances from kind friends Rebozo and Abplanalp. Did he pay capital gains on the appreciation? People are wondering. There are other matters. Billionaire Howard Hughes, who likes to help politicians, once made a famous loan of $205,000 to Donald Nixon, brother of the then Vice President, secured by a family-owned lot assessed at $13,000. So far as known, it was never repaid. Now in sworn testimony it is asserted that Hughes made two deliveries of cash, each of $50,000, to Rebozo in 1969 and 1970, "earmarked" for the President; presumably campaign funds.

But Rebozo put them in a safe for three years, not drawing interest, and he only recently refunded them. Mr. Nixon was "unaware" of the transaction. A disgruntled former Hughes aide, Robert Maheu, is now suing Hughes and it will all be in the Los Angeles courts this month. The Ervin committee has been snooping around. The show goes on.

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A Bad War Powers Bill

After more than three years of grappling with the subject, Congress has finally passed a compromise bill that seeks to spell out the President's power to commit the country to war. The bill is bound to be vetoed by Mr. Nixon, who has described it as a "dangerous bid to erode the constitutional authority of the Chief Executive," and it is doubtful that the House of Representatives can muster the votes to override his rejection. We have long sympathized with attempts to control the Executive's war-making authority, and we disagree completely with Mr. Nixon's efforts to preserve his almost absolute power in this domain. Yet we would welcome his veto, for, in our estimation, the present war powers bill is so riddled with reservations that, in many ways, it defeats its own purpose. Indeed it may give a President more power to take us into war than is granted him in the Constitution.

Except in the event of enemy attack, a President has no constitutional authority to initiate or declare war, a prerogative that belongs to Congress. Even Alexander Hamilton, who favored a strong Executive, held during the Constitutional Convention that the war-making power "is the peculiar and exclusive province of Congress," and, as Justice Douglas pointed out during the Cambodia bombing controversy this summer, that interpretation was further strengthened in the Prize Cases of 1863. Nevertheless in practice the legal limitations on Presidents have been ignored time and again within the past quarter-century. Harry Truman thrust us into Korea in 1950 without congressional authorization, and President Eisenhower bypassed the legislature eight years later when he landed US troops in the Middle East. We began to ooze into Southeast Asia under John F. Kennedy, and Lyndon Johnson escalated the Vietnam conflict, in both instances without any specific authorization by Congress, and Richard Nixon behaved with similar autonomy when he ordered the invasion of Cambodia. Against this background of unilateral military actions by successive Presidents, the need for an explicit definition of the right to push the nation into war had been long overdue. To our regret the current bill does not fulfill that need.

In the first place the bill authorizes a President to get the nation into a fight without the prior legislative sanction in the event of a "national emergency created by attack upon . . . its armed forces";

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considering the fact that more than a half million American soliders are now deployed around the world, many of them as safe as the crater of an active volcano, this would effectively permit the President to escalate a war in those areas on his own initiative. Thus Mr. Nixon could conceivably move fresh forces into Thailand if *he* estimated that the 40,000 US troops already there were endangered by last week's coup d'état, and, with the same self-generated authority, he could increase our military strength in South Korea on the grounds that our boys in that country are threatened. It is worth recalling in this respect that the Tonkin Gulf Resolution of 1964, which Lyndon Johnson referred to repeatedly as his legislative support for expanding the Vietnam war, authorized him to "take all necessary measures to repel any armed attack against the forces of the United States. . . ." Even after the Tonkin Gulf Resolution was repealed, the Nixon administration continued to rationalize its operations in Indochina with the protect-our-boys argument. In April 1972, asked to explain on what authority the President had resumed the heavy bombing of North Vietnam, the then Defense Secretary Laird replied: "It is the protection of American personnel. You don't need any more authority than that . . . That is sufficient, complete and total."

Another feature of the bill that seems to fortify rather than reduce a President's war powers is a clause that requires him merely to "consult" with Congress before introducing US forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." In short that appears to say that a telephone call from the White House to the congressional leaders will suffice. And once troops are committed, the bill goes on to say, a President need only explain "in writing" within 48 hours the circumstances necessitating their intervention, the estimated scope and duration of the hostilities, and the authority under which he acted. Conspicuously absent from the bill is any restraint on a President's authority to use US soldiers to rescue American citizens abroad—the argument, it will be remembered, that Lyndon Johnson used when he intervened in the Dominican Republic's civil war.

More significantly the bill permits a President to commit troops for 60 days simply by keeping in touch with Congress, and he can extend that period for another 30 days by certifying that "unavoidable military necessity" requires their prolonged presence. Criticizing the bill from opposite sides, Senators Barry Goldwater and Tom Eagleton have emphasized that this timetable accords a President powers beyond those in the Constitution. Moreover it is difficult to imagine that Congress would compel a President to pull US soldiers out, when they had been sent in ostensibly to defend the flag and the honor of America. Here again the Tonkin Gulf Resolution offers a lesson. Passed in August 1964 it was not repealed until January 1971—and even then it took two more years before US troops were finally withdrawn from Vietnam. It also took until last August to halt the President's bombing of Cambodia, and that came about only after Congress deliberately voted to cut off his funds. So we concur in Senator Eagleton's opinion that this provision is nothing less than "an open-ended blank check for 90 days of war-making anywhere in the world by the President."

Still another part of the bill appears to us fuzzy. It would allow the President to commit troops under treaties that have been ratified. But treaties are only ratified by the Senate, and thus the House of Representatives, which under the Constitution shares the authority to declare war (not to mention its responsibility for raising and maintaining an army), seems to be excluded. Consider, for example, US allegiance to the Southeast Asia Treaty Organization. As Professor George McT. Kahin recently wrote in these pages, SEATO may be moribund, yet it legally binds the US to assist certain countries militarily, and it allows a President to define whether internal insurgency is really outside aggression, and, consequently, whether US intervention is legitimate.

To a large extent the bill is confused because, in an attempt to reconcile their differences, the Senate and House produced a hodgepodge. Senator Javits, who worked hard to sponsor it, obliquely admitted that the result was less than ideal in his remarks during the Senate debate that "it is a miracle that we got this bill." That raises the question of whether bad legislation is better than no legislation. Eagleton, who has long wanted to curb presidential war-making power, obviously had this question in mind when he withdrew his support from the compromise version, commenting that the baby he had originally helped deliver "has been kidnapped."

The President's expected veto will render this debate and the bill itself academic, and it will take years and perhaps another crisis like Vietnam before better legislation on the subject is brought up. In the meantime, we submit, Congress has ample latitude under the Constitution to restrain a President, as it demonstrated when it forced a halt to the bombing of Cambodia in August. Senator Stennis' project to investigate the Central Intelligence Agency, for instance, could expose what US covert operatives are up to overseas and thereby contribute to curbing their activities. The Appropriations, Foreign Relations and Armed Services Committees in both chambers have authority to sit on other operations abroad. Above all Congress controls the purse. The key question is whether the legislature is going to use its prerogatives responsibly. "It is easy to roll this body because the executive branch comes in with power . . . we are afraid, we are fearful men," confessed Hubert Humphrey during the recent debate. His autocriticism ought to challenge Congress to exercise its authority over the disposition of our military power. That can be done without new legislation.

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The Right to Strip

It's often said that Appalachia is a rich land inhabited by poor people. The reason for the disparity is that the resources of the region, coal in particular, are owned largely by outsiders and in many cases were acquired nearly a century ago through thievery or its near-neighbor. Sometimes the land itself was accumulated in huge tracts, sometimes the mineral rights alone. In the highlands of Kentucky around the turn of the century agents and speculators roamed the countryside, persuading uneducated mountaineers to sign their Xs to so-called "broad-form" deeds in exchange for a handful of dollars (50 cents an acre was the going rate). The deeds conveyed all coal, stone, iron, oil, gas, mineral waters and other "subterranean products" to the agent, who in turn sold them to mining companies. The deeds also granted "full power and right to enter upon said land" and do anything "necessary or convenient" to remove the minerals therefrom.

Coal companies collected and held on to these pieces of paper in the expectation that they would one day be extremely useful. That day came in the 1950s with the development of large-scale strip mining technology. Deed in hand, the strip miners would "request" permission to tear up a mountaineer's land. In exchange for his "consent" they would usually offer a nominal compensation. If the owner did not consent the companies would come in anyway. Most owners did and do consent, though it means the ruination of their land through gouging, slides, siltation and acid drainage.

A somewhat analogous situation exists in the Western states where coal mining has become the rage. Through quirks in the federal land laws many ranchers and farmers do not own the minerals beneath their lands. Subsurface rights frequently belong to railroads, Indian tribes or the federal government, which until 1971 was leasing them to energy corporations. State laws have traditionally given mineral owners the power to condemn surface lands needed for mining purposes, and many Western ranchers fear the same kind of legal pillage that was inflicted upon the people of Appalachia.

The strip mining bill passed by the Senate earlier this month extends a rather limp hand to the farmers and mountain people whose lands are ravaged by unwanted bulldozers. As originally drafted the bill would have made strippers post a bond against which the surface owner could collect damage payments by suing in state courts. This was strengthened on the Senate floor by a Mansfield amendment, chiefly applicable to Western states, to prohibit stripping of privately owned land where the federal government holds mineral rights (deep mining would be allowed). An attempt by Sen. Marlow Cook of Kentucky to afford similar protection to landowners whose subsurface rights are privately, not federally, owned—as in Appalachia and much of the West—was blocked by Sen. Lee Metcalf of Montana, manager of the bill. Cook's amendment, though it did not bar strip mining anywhere, would have required coal companies to obtain written prior consent from surface owners before stripping their land; if a surface owner refused his consent the stripper could sue in a local court for compensation, or deep mine. Cook argued that the signers of private deeds could not have anticipated the wholesale destruction by strip mining, and had agreed only to underground mining of their land. When Metcalf insisted that the amendment would constitute an unconstitutional taking of subsurface rights—even though the state's power to restrict undesirable forms of private land use has long been recognized—Cook settled for allowing surface owners to collect damages before rather than after their land was stripped. The Senate bill now moves to a House joint subcommittee on mining and the environment. The coal companies are out to knife the Mansfield amendment as well as a House proposal that would require strip miners for TVA and other federal agencies to obtain permission from surface owners prior to stripping. The companies also want to soften the environmental provisions of the bill, which now call for return of strip-mined land to its approximate original contours and condition.

The Middle East war will be used to buttress the view that the fewest possible obstacles ought to be placed in the way of getting at coal. It should not be forgotten, however, that only three percent of America's enormous coal reserves are classified as strippable. Thus wholly apart from the fact that underground mining provides more jobs in depressed areas than does strip mining, does less damage to land and is less destructive of rural homes and livelihood, purely in terms of dealing with the energy crisis the strippers ought quickly to give way to the diggers. A tough strip mining law protecting people and land would encourage the shift back to deep mining.

Rhodes of Arizona

At the reception following President Nixon's tasteless, jubilant unveiling of Minority Leader Gerald Ford as his choice for a new helpmate, a handful of Ford's colleagues caucused informally in a corner of the State Dining Room and agreed that Rep. John Rhodes of Arizona, a man the public barely knows, should have Ford's House leadership post. The next day nine Rhodes backers met to plot their strategy and by Monday afternoon about 15 of them under the direction of Rep. John McCollister (R, Neb.) privately were claiming they had the votes of a majority of Ford's

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191 colleagues.

Now in his 11th term (he rode in on the Eisenhower landslide in 1952), Rhodes, if elected, will differ from Ford in several ways. He is shorter, brighter, and from the West. (Of Ford, Lyndon Johnson is said to have said, "Gerry's the only man I ever knew who can't chew gum and walk at the same time." Also, he "played football with his helmet off too many times.") Rhodes is respected as a hard worker who studies the issues. He is not fiercely partisan and deals easily with colleagues regardless of party (he and Democratic Rep. Udall of Arizona have an amiable working relationship on state issues).

Unlike Ford, Rhodes was associated with the Goldwater movement a decade ago but has since moved toward his party's center; he was a Nixon man in 1968. Since then Arizona has picked up a new House seat, and in the reapportionment Rhodes' Maricopa County (Phoenix) district was stripped of much of its lushest GOP acres, including the Scottsdale-Paradise Hill section and the retirement community of Sun City. Rhodes was left with west Phoenix, overwhelmingly Democratic and heavily Mexican-American, plus central and north central portions of the city. Running in his new district for the first time in 1972 he won only 55 percent of the vote, a sharp drop from his past performances. The shock of this is said to have had a moderating effect.

Siting Nuclear Power Plants

Fault Finding

On October 5 the Atomic Energy Commission faced up to a tough decision and said no to a New Jersey utility. And it's in the process of making an even tougher decision in a case involving a Virginia electric company. Public Service Gas and Electric of New Jersey went to the AEC on February 27, 1970 and asked for a permit to construct two powerful nuclear-electric generators (reactors) on Newbold Island in the Delaware River just south of Trenton. This nuclear site is 3.4 miles from Levittown (population 72,000), and by the AEC's own reckoning there are 125,000 people living within a five-mile radius. Despite all assurances of plant safety and an exhaustive review of reactor safeguards, the AEC was plainly worried about the high population at risk in the event of an accident.

The agency, not always fond of the National Environmental Policy Act, took advantage of NEPA's environmental evaluation requirements and suggested an alternative site. Instead of Newbold Island the AEC recommended a site near Salem, NJ, some 40 miles downriver. This decision may well become a precedent for shunting utilities away from population centers.

A far more difficult problem now confronts the AEC. It concerns a geological infirmity underlying the site of four nuclear power units being built by Virginia Electric Power Company in a rustic area quite unlike the populous setting of Newbold. The Vepco nuclear project at its North Anna River site, 45 miles northwest of Richmond, is a one billion dollar venture well along in its development.

The North Anna River, which meanders through historic Civil War country, was dammed up to create a 13,000-acre impoundment, this Lake Anna being vital to the water needs of Vepco's plants. A visitor to the site finds a beautiful setting, an ideal recreational area with two plants under construction. One is completely covered over with a three and one-half foot shell of reinforced concrete and already houses its nuclear unit while the other is awaiting the final pouring of concrete; its innards are nearby, ready for their interment. The foundation work for Units 3 and 4 has been arrested but the giant holes, studded with a multitude of reinforcing tie rods, stand open like circular quarries. If one descends, into the pits to the concrete floor, the reason for North Anna's troubles becomes apparent—provided you know how to interpret geological strata and are skilled in fault-finding. It's the danger of a geological fault that has stopped work on Units 3 and 4 while work still proceeds on the other two units. They, too, are in doubt if the fault exposed in Units 3 and 4 extends through to the east.

There was no surface sign of a fault when the site was surveyed, and earthquakes seemed of little concern when Vepco applied in March 1969 for a construction permit. Under rules prevailing then, but not now, Vepco was allowed to proceed with foundation work without the formality of a permit, and excavation was begun. On February 23, 1970 Dr. John Funkhauser, a geologist teaching at John Tyler Community College south of Richmond, visited the excavation. Much to his surprise he spotted what he identified as a fault running downward through the exposed rock and he so notified the chief project engineer. "It was so unbelievable," Dr. Funkhauser told me, "that I wanted to get its structure confirmed."

A month later he returned to the site with Drs. Bruce Goodwin and Stephan Clement, geologists from the College of William and Mary. They agreed with him, photographed the rock seams and afterward showed slides to their classes to illustrate "a beautiful fault."

On February 19, 1971 Vepco received a construction permit for Units 1, 2 but no AEC geologist or consultant in geology visited the site nor did the agency receive any photographs of the excavation. No one in the AEC dreamed that three Virginia geology professors had such photographs in their possession. Meanwhile Vepco set in motion plans for construction of Units 3, 4 and on September 15, 1971 it filed a Site Environmental Study in which there is a routine reference to a "chlo-

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rite seam" found in excavating pits for Units 1, 2. No photographs were included in the report and had AEC experts realized the potential controversy that would swirl about the site, they would have found the seam covered over by construction work.

Excavation for Unit 3 started in mid-January 1973 and as winter waned, Stone and Webster, the architect engineer firm hired by Vepco to construct the facility, noted a chlorite seam having "unusual features." Vepco was informed about the geological feature on April 24, and the next day the utility hired Dames and Moore, an earth science consulting firm, to investigate it. Then on May 14 the experts convened and reached a consensus that the geologic "feature was a fault but probably very old and related to formation of Piedmont millions of years ago."

On May 17 a telephone call from Vepco informed the AEC headquarters in Bethesda, Maryland that a geologic fault had been found in excavating for Unit 3. Since the AEC has not approved installations where fault lines traverse the reactor site, the news from North Anna must have been a shock.

Geologic activity at North Anna, reckoned by a head count of visiting geologists, picked up considerably this summer. The AEC sent a six-man contingent of experts to the site in June, joining up with 10 Vepco and contractor personnel. The regulatory experts are concerned about defining the extent of the fault, and they have requested earth-removal or trenching to expose the chlorite seam east of Unit 1. They are equally interested in two other issues, one, the age of the fault and, two, the possibility that water from Lake Anna might seep into the fault zone and lubricate a slippage there. Water infiltration might serve to bring to life a "dead" fault although it appears that the Lake Anna impoundment is not sufficiently massive to accomplish this effect. Still, water that has been pumped into the ground near Dinosaur National Monument to increase oil-well flow has triggered microseisms or mini-earthquakes in the region.

The public did not learn of North Anna's fault until last August 4 when a shoestring-financed North Anna Environmental Coalition put out a press release about it. On May 28, 1973 the Coalition showed an anti-nuclear British film at Louis High School and afterward a site worker spoke up and said there was some excitement at the excavation because of a fault that had been discovered. The construction man vanished from the scene and his remarks were almost forgotten until an anonymous phone call from another worker informed the Coalition that the fault was a matter of serious concern. The Coalition's meager resources were energized as June Allen, its treasurer, contacted the AEC and confirmed that the agency was investigating a fault at North Anna.

The Richmond *Times-Dispatch* ran an item picked up from the Coalition's press release and Dr. Funkhauser saw in print reference to the fault he had recognized three and a half years before. He promptly got in touch with the Coalition and so did Peter Bacque, a reporter for Charlottesville's *Daily Progress*. Bacque began reporting on North Anna's geologic difficulties in the August 8 edition of his paper, bringing Dr. Funkhauser's story to light. The Coalition's news ripples, which had spread to Richmond, now reached a greater radius as Hal Willard, science reporter for *The Washington Post*, showed up to research a news feature on North Anna.

"A Geological Fault Bedevils Reactor" ran Willard's story on September 27, exquisitely timed to coincide with the last day of nuclear safety hearings of Congress' Joint Committee on Atomic Energy. Committee members took note of the carefully researched *Post* story and proceeded to ask AEC officials about the North Anna fault. Responding to one query, AEC's top regulatory official, Manning Muntzing, said: "In the first place, we are quite concerned that the company maybe knew something about the seismic characteristics there and did not disclose it to the AEC. That is being carefully investigated." Joint Committee members were aware that the AEC had fined Vepco $38,000 this spring for noncompliance with AEC regulations at the Surry Nuclear Station south of Jamestown.

Did the Virginia utility withhold vital information about a fault from the AEC? That's a question that the AEC inquiry must settle, and the regulatory staff investigation has taken depositions from witnesses. But the issue is clouded because of expert differences over the identification of a geologic fault. The Stone and Webster firm admits knowing about the geologic discontinuity that Dr. Funkhauser pointed out as a fault; indeed one would have to be blind not to see it. But this was classified as a "chlorite seam" of no earth-shaking consequence. Vepco's president, T. Justin Moore, Jr. wrote last August 31: "In the opinions of our geologist and geotechnical personnel the existence of the chlorite seam embedded in hard crystalline rock did not indicate in any way the presence of a fault. There was, therefore, no need to notify the Atomic Energy Commission of the seam."

Dames and Moore, Vepco's consultants, filed a two-inch thick geologic data report on August 17, replete with color photographs and geologic maps, maintaining that the seam found in excavating Units 1, 2 shows no "offset" or displacement of rock strata indicating a fault, but admitting such displacements for strata in Unit 3, 4 pits. Regarding the latter, the Dames and Moore report concludes that "the fault is inactive and of no significance to the safety or stability of the North Anna Power Station." The AEC submitted an eight-page list of questions about the report on September 21, and on September 29 a delegation of five AEC/ACRS consultants visited the site to probe more deeply into the nature of the fault.

There seems to be general agreement that the North

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Anna fault is an old one. If the fault is more than a million years old and is not subject to some environmental arousal from its ancient quiescence then this passes the test of AEC's seismic criterion for a nonactive fault.

Vepco is anxious to get a construction permit for Units 3, 4 and even more eager to get an operating license for Units 1, 2 in order to bring on line large blocks of electric power to satisfy the Old Dominion's accelerating demand for electricity. A big chunk of Virginia's future economy hinges on the North Anna decision, and this means that the AEC is faced with a cost-benefit analysis. It can, if its experts agree on the facts as warranting drastic action, decide to say no to Vepco. A decision not to build Units 3, 4 would be difficult to separate from one that allowed Units 1, 2.

If events take an orderly course the regulatory staff will have to come up with a supplemental safety evaluation, the Advisory Committee on Reactor Safeguards will have to hold a public meeting and make a recommendation on the construction permit and the Atomic Safety and Licensing Board will have to schedule public hearings on North Anna. Presumably this would mean a winter decision on the North Anna power units.

The AEC's Newbold Island decision was for a construction permit and did not involve any sums of money like those at stake in the case of North Anna. Now the atomic agency has a two-in-one decision embracing both a construction permit and an operating license. A billion-dollar decision hinges on the AEC's evaluation of the geologic data.

Ralph E. Lapp

MR. LAPP's *latest book* The Logarithmic Century *(Prentice-Hall) was published in June of this year.*

The Nixon Watch

Nightmares

There Agnew was on television, speaking with mawkish self-pity of his "nightmare-come-true" and at the end saying "thank you, good night and farewell" in a sepulchral tone that made some viewers wonder whether he was saying farewell to life. The remarkable thing was that it was so easy, so soon after Spiro T. Agnew resigned and asked a federal judge to find and declare him a felon in order to escape indictment and probable conviction for many more and larger felonies, to adjust with amazement, satisfaction or regret to the fact that this man was no longer the Vice President and potentially the next President of the United States. It was almost as if he had never been what he became in 1969 and remained until he was found out and brought down in 1973: the embodiment in the minds and hopes of millions of Americans of the rectitude, the order, the simple dedication to simple rightness that they missed in their society and were led by Agnew to believe they had been done out of by elitist snobs and grubby malcontents.

The President who had plucked Agnew from the sewer of Maryland politics and conferred him upon the nation behaved and had his spokesmen talk as if he wanted his sometime Vice President to be forgotten and banished from the public mind as soon as possible. Agnew in his televised farewell spoke of "a great President." He thanked Mr. Nixon for "his attempt to be both fair to me and faithful to his oath of office" and for "the restraint and the compassion which he has demonstrated." He also let a friendly interviewer, Frank Zan der Linden of the *Nashville Banner*, portray him as a broken and embittered victim who felt that he had been unfairly driven from office. The contradiction was more apparent than real. Agnew must have known since early August, when the first news of his involvement in a federal investigation of Maryland corruption was published, that the President wanted him out of office and out of the Nixon administration. But it's believably said at the White House that the President got him out without ordering him to quit or confronting him with an explicit ultimatum.

One of Mr. Nixon's staff counsellors, former Congressman and Defense Secretary Melvin Laird, admits now that he began warning congressional Republicans in early August that the evidence against Agnew was serious and substantial. Counsellor Bryce Harlow, one of Agnew's few friends in the Nixon inner circle, and J. Fred Buzhardt, a White House lawyer, were assigned by the President in mid-September to convince Senator Barry Goldwater that any public defense of Agnew would be futile and foolish. They were ordered to summarize for Goldwater the accumulated evidence that Agnew had solicited and taken money from Maryland contractors before and after he became Vice President. Senator Hugh Scott, the Republican floor leader, indicated to other Republican senators on the implied authority of the President that they could soon be sitting in judgment of an impeached Vice President and that they therefore had better be cautious in discussing the matter. While Agnew was being deprived of congressional support in this fashion, not necessarily in a vindictive effort to destroy him but certainly to minimize foreseen embarrassment to the administration and the Republican Party, Fred Buzhardt was arranging and managing negotiations between Agnew's lawyers and Justice Department prosecutors for a bargained plea. This maneuver almost succeeded in September and finally did in October, when Agnew realized that the evidence against him and the web woven around him were more than he could overcome or escape. His cry in a speech on September 29 that "if indicted I will

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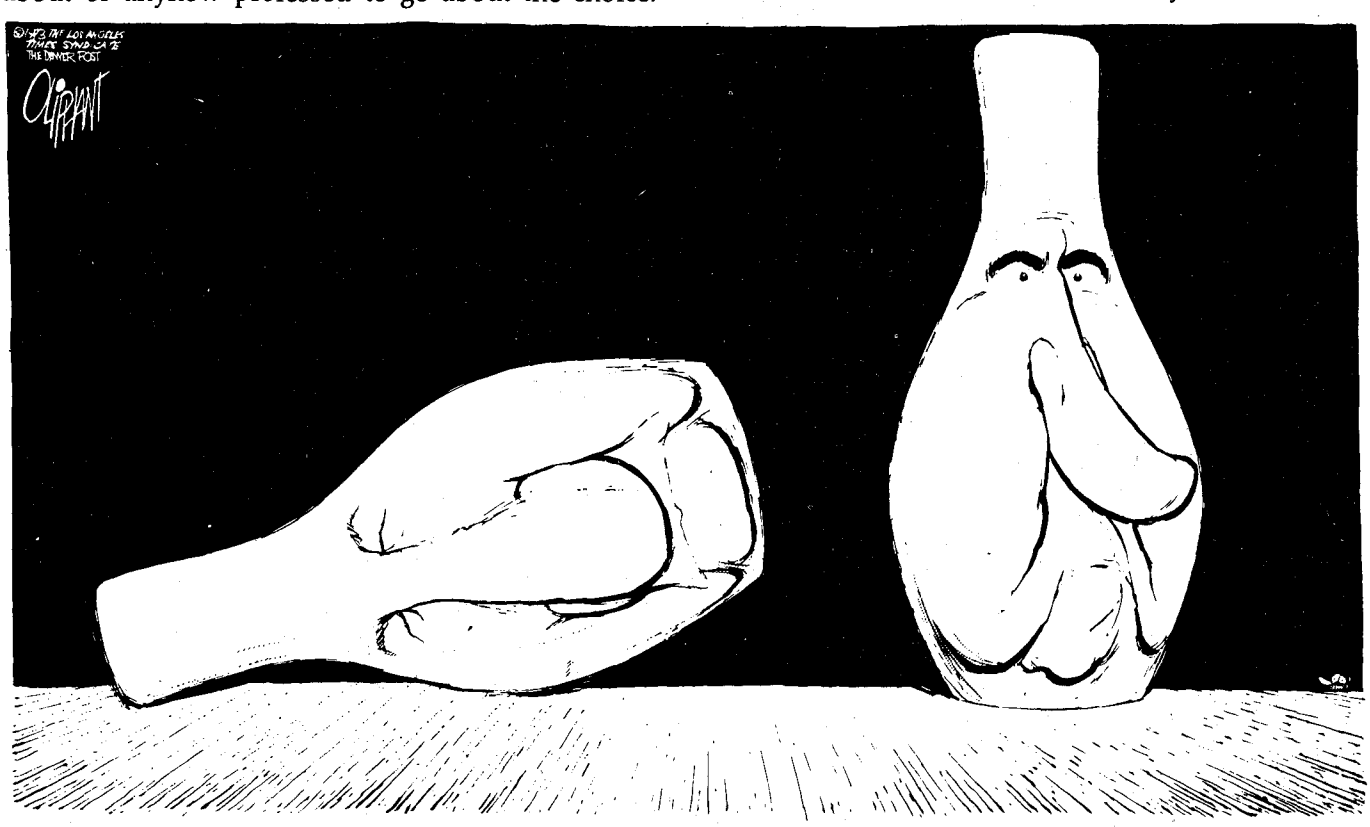
not resign" was not the promise of indefinite defiance that it was understood to be at the time. Agnew had known for weeks that the President wanted his resignation. His assertion on the 29th was his way of saying to Mr. Nixon and to Attorney General Elliot Richardson, who said later that the President approved every major step in the plea negotiations, that the President could have the desired resignation only if the Vice President were let off without indictment, trial and predictable imprisonment. That's the way it ended—with a $10,000 fine, probation for three years, and a pledge of no further federal prosecution in return for the resignation and Agnew's assent to the publication of utterly damning evidence that he'd been taking money from Maryland contractors for 10 years and was still doing it in December of 1972.

The President's choice of a successor to Agnew is of such numbing ordinariness that I've nothing to say about its merits except that it should have been better and could have been worse. Congressman Gerald Ford of Michigan has been reciting the virtues of Richard Nixon and of his legislative proposals once a week in the White House press room since 1969 and I've yet to hear him say anything that was memorably bright, critical of the President, or indicative of profound understanding of anything. I was impressed in 1969 with Representative Ford's cool and intelligent estimate, provided in a private interview, of the abilities and attitudes then prevailing at the Nixon White House, and repelled by his savage and shoddy attempt to bring about the impeachment of Associate Justice William O. Douglas. What I find interesting at the moment is the way in which the President went about or anyhow professed to go about the choice. A key fact to be kept in mind is that Mr. Nixon must have anticipated since late July or early August that he'd have to nominate a successor Vice President who would be confirmed by majority vote in the House and Senate without a damaging fight. Was the President's elaborate show of canvassing many possibilities, reducing a long list of possibilities to five and two and finally to Ford, for real or was it a charade? "All I can tell you," one of the senior participants in the exercise said while it was going on, "is that he's acting as if it's for real." Melvin Laird said after the choice was announced that he asked Ford several weeks ago whether he'd want the nomination. This indicates but hardly proves that it was a charade. One of the few established facts is that the President didn't ask Laird, Bryce Harlow or his third counsellor, Anne Armstrong of Texas, to tell him whom they preferred and tell him why they did. So far as is known Mr. Nixon didn't invite or tolerate in-person or face-to-face discussion and argument with anybody, on his staff or in Congress or among the party leaders. He instructed his staff chief, General Alexander Haig, to instruct other senior assistants to put down three choices, in order of preference, and to submit the lists to him through Haig—*unsigned*. It seems to be true, though one of the President's wisest and closest advisers finds it hard to believe, that he never personally discussed the choice with John B. Connally, who completed his turn from Democrat to Nixocrat to Republican early this year and has Mr. Nixon's promise of support for the Republican presidential nomination in 1976. Haig discussed the Agnew succession with Connally twice, by telephone, with the end result that Mr. Nixon and Connally communicated



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their agreement with each other to each other through Haig that it would be better to save Big John for 1976 and duck the bruising struggle in Congress that would have resulted if he'd been proposed for Vice President. Connally indicated to at least one unofficial friend in Washington that he hoped the President would pick Governor Nelson Rockefeller, who is likely to be a principal contender for the presidential nomination in 1976. Connally figured that three years as Mr. Nixon's second Vice President would probably finish off Rockefeller or anybody else as a serious 1976 contender. Rockefeller was foolish enough to want the vice presidency and he figured in one of the four announcement drafts that the President had his speech writers prepare.

Mr. Nixon indicated to Ford but didn't quite tell him on the morning of October 12 that he was the choice. Ford was also told that he might be getting a telephone call from Haig. At about 7:30 pm the President telephoned Ford and told him that Haig had something to tell him, which Haig did after calling back on another line with an extension so that Mrs. Ford could share the moment with her husband. She was told to stay out of sight at the White House and out of the White House East Room, where the choice was announced at 9 pm, so that her presence wouldn't tip off the assembled dignitaries and the media. The President had his surprise and his fun, with a televised display of pomp and power that seemed to me to be singularly vulgar and inappropriate. Spiro Agnew and the occasion for the nomination of Gerald Ford were not mentioned.

John Osborne

Russian Roulette

by Stanley Karnow

During his US tour last spring Leonid Brezhnev heralded a fresh era in Soviet-American friendship as he embraced Wall Street bankers, hugged Hollywood actors and flattered Richard Nixon. Now, by encouraging and aiding the Arabs against Israel and thereby raising the spectre of renewed superpower confrontation, the Russians have moved from grins to grimaces. Their turnabout, it seems to me, can be explained in a single word—priorities. Détente in their estimation is a short-term exercise to which they can always return, but, as they see it, the improvement of their position in the Middle East is a long-range objective they cannot afford to neglect. Thus they have decided to shelve rapprochement with the administration, for the moment, in order to reinforce their influence among the Arabs. This strategy reflects both their atavistic preoccupation with their southern flank and their more recent drive to strengthen themselves against Chinese inroads into South Asia. At the same time they hope to curb American political influence in the region, and in the process enfeeble the US by depriving it of oil. The Soviet leaders have embarked upon a policy in which, they calculate, the risks are low and the potential gains immense. And the chances are good that their gamble will pay off.

There is little doubt that the Russians were committed to the Arab offensive before it began, though they may have acceded to the Egyptians and Syrians rather than urged them to open hostilities. Their awareness that war was imminent was mirrored in their withdrawal of advisers from Syria on the eve of the conflict. It was shown in the speed with which they were able to initiate a complicated airlift of military supplies to Cairo, reportedly from a staging zone in Hungary, and in their arrangements for flights over Yugoslavia. More significantly Brezhnev counterpointed temperate statements designed for US consumption with appeals to the Arab nations to join in the battle against Israel. "Syria and Egypt must not remain alone in the struggle against a treacherous enemy," he told Algerian President Houari Boumediene soon after the war broke out, and similar messages simultaneously were sent from Moscow to other Arab leaders. By the middle of last week, despite strenuous efforts by Secretary of State Henry Kissinger to induce the Kremlin to cooperate in reaching a cease-fire, the Russians were still exhorting the Arabs to continue the fight and promising to assist them "in every way." These pleas, coupled with the fact that Moscow did nothing to restrain the Arabs, plainly violate

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Brezhnev's pledges to Nixon "to create conditions which promote the reduction of tensions." Suddenly that pledge had taken second place to more urgent Soviet imperatives.

Some specialists advance the theory that all this indicates a rise in the importance of Marshal Andrei Grechko, the defense minister, Mikhail Suslov, Moscow's chief ideologue, Yuri Andropov, the head of the secret police and other hawks who have been consistently cool to the idea of a reconciliation with the US, on the grounds that peace and Pepsi-Cola are secret imperialist weapons. According to this theory two main factors combined to give the hardliners an advantage over Brezhnev and more restrained elements. First, they could plausibly argue that the probable setback to US trade and credit concessions in the Congress meant that Brezhnev's much-vaunted reconciliation with Nixon was ephemeral. Secondly, the success of Arab forces in the opening phase of the war bolstered their case for a larger commitment to the conflict. In the estimation of Kremlinologists the new weight of the hawks was also visible in the snub by the Soviet leaders of Japanese Prime Minister Kakuei Tanaka, who had gone to Moscow after much preparation in hopes of settling minor differences left over from World War II. The brutal treatment accorded Tanaka might serve to remind Americans, as it did the Japanese, that Soviet eagerness for economic benefits is not necessarily matched by Russian concessions on vital diplomatic and security questions.

The Kremlin hawks, in my opinion, may have been further emboldened by Kissinger's overt conduct after the war started. The administration has been chronically sensitive to criticism by Henry Jackson and like-minded senators ever since it initiated its overtures to the Soviet Union, and this sensitivity heightened as it became clear in the Middle East that Moscow's devotion to the new "structure of peace" might be more rhetorical than real. Worried by the Senate critics and also anxious to leave himself room for diplomatic maneuvering, Kissinger seemed to bend over backward to minimize Soviet involvement in the war. On the Monday after the conflict began he warned that "détente cannot survive irresponsibility in any area, including the Middle East." But on Friday, despite evidence of substantial shipments of military supplies to Cairo, he still declined to characterize Soviet behavior as "irresponsible" and merely declared that Russian actions were "not helpful." He also called on the Congress to delay the trade bill lest some of its provisions irritate Moscow. Read in the Kremlin, his statements could have been seen as weakness. In any event neither his public mildness nor his presumably tougher private communications got quick results.

To appreciate their present policy it is necessary to understand that the Russians have traditionally focused on the Middle East in their quest for safe frontiers. After World War II they brought pressure to bear on Turkey and Iran, and when that failed in the face of US resistance they vaulted into Egypt, Syria and Iraq to establish spheres of influence that, to Soviet distress, have often depended more on material aid than any sincere Arab sympathy for Moscow. Within the past decade, the Russians have also been striving to fortify themselves in the Middle East as a way of securing their position in South Asia, where their dispute with China is intense. The extent to which this dispute has spilled over into the Middle East can be seen in the rivalry in the region between Indian and Pakistani diplomats acting as surrogates for the Russians and Chinese. The coup d'état in Afghanistan in July is believed as well to have been tailored to fit Soviet requirements. More recently, meanwhile, the Russians have been attracted by the notion of wooing the Arabs in order to divert oil from the American market.

Not so long ago a conservative Arab ruler like King Faisal of Saudi Arabia maintained solid ties with the US, a huge market for his enormous oil reserves. But the rising American need for oil combined with the growth of Japan and Western Europe as alternative buyers have created shortages that have turned petroleum into a bludgeon to be wielded for political purposes. In addition Faisal and other feudal sheikhs of the Persian Gulf have felt constrained to become political activists in order to undercut Arab radicals in their countries, and the obvious target for their new militancy is Israel. Perceiving these developments, the Russians estimated that they could drive a wedge between these Arabs and the US by doing their utmost to contribute to a new conflict against Israel, one in which leaders like Faisal could not stay neutral. In short the Soviet aim has been to promote Arab unity directed against the US in the expectation that American oil imports would be curtailed. To the Russians, consequently, the outcome of the war is secondary as long as Arab hostility toward the US continues after the smoke of battle has cleared away. The success of this strategy must already be apparent to the Kremlin in the White House's recent decision to ration heating oil, jet and diesel fuel, and kerosene. The Soviet leaders must have felt reassured last week when Melvin Laird said that he is "urging everyone to take their suits off and buy sweaters."

The Russians have zigzagged through good and bad moments, and, it has been argued, opportunities to negotiate at least a partial settlement in the region were lost during their periods of decline. In the summer of 1972 their deteriorating relationship with the Kremlin prompted the Egyptians to expel the Soviet advisers, and that dramatic event had an immediate impact on the situation in the area. The popularity of President Anwar Sadat soared as Egyptians welcomed a return to a spirit of nationalistic self-reliance. Simultaneously the Soviet presence no longer presented an

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obstacle to possible compromise. But the Israelis remained cautious. They refused to believe that the Russians had really pulled out, and they continued to build an even stronger military machine. In addition, as the Israeli analyst Yair Evron suggests, they hesitated to admit to the Soviet withdrawal out of fear that it would lead to reduced US support for them. So they refused to offer concessions to Sadat, and he, in his disappointment, swung back to the Kremlin for renewed help. The Russians returned prudently at first, carefully refraining from deliveries of sophisticated weapons to the Egyptians, partly in order to avoid costly commitments and perhaps to lessen the danger of confrontation with the US at a time when they were engaged in economic bargaining with the Nixon administration. But by spring Sadat apparently felt strong enough to threaten a resumption of hostilities, disclosing in an interview that the Russians "are providing us now with everything that is possible for them to supply." Soviet supplies tipped the scales in the present war, and the Arabs can now negotiate with greater confidence. But whatever the conference table yields, the Russians have clearly emerged as the major outside power in the Middle East. And the high hopes that the embryonic Soviet-American détente could keep the peace have evaporated.

Judge Sirica Perhaps, the Public Not Likely

Who Gets the Tapes?

by Nathan Lewin

When Professors Cox and Wright were presenting their cases orally to the seven judges of the federal court of appeals who passed on the matter of the Watergate tapes, they seemed to agree on at least one point—Judge Sirica's ruling (which both had challenged in the appellate court) left so many gaps that no one could tell what would be happening the day after tomorrow. The immediate thrust of the Sirica decision was clear. The President was to surrender the tapes to the judge for his personal examination. Thereafter, Judge Sirica said, he would decide whether all the tapes, some of them, only portions of some or maybe no tapes at all would go to the federal grand jury.

The enormity of the battle over constitutional principle, however, engulfed its petty logistical details, so much so that both lawyers admitted to the court of appeals that they could not tell from Judge Sirica's ruling what they were expected to do once the judge had the tapes. Professor Wright, who disarmingly styles himself "*an* Attorney for the President" in his communications with the court, said during his oral presentation that Judge Sirica's order was a "nondecision" and that he had been tempted to apply to the judge for clarification. Special Prosecutor Cox argued in his brief that the Sirica order and opinion had set out no standards or procedures as to how the tapes would be handled once they came into the judge's possession. Even Judge Sirica himself was unsure how he intended to proceed; the attorneys he assigned to defend his decision in the appellate court said that he might invite the special prosecutor to hear the tapes and that he welcomed any guidance the appellate judges would give.

The distinguished lawyers were partly to blame for this befuddlement. Not fully anticipating that Judge Sirica might just say, "Give *me* the tapes," they had not argued in briefs or oral presentation the procedures that the court was to follow in that event.

The decision of five of the seven appellate judges, issued on October 12, fills in the details while upholding both Judge Sirica's conclusion on the large constitutional issue and his ruling that the tapes may go to the grand jury only after they have been screened by him. The opinion—not designated as the work of any one of the five judges who agreed with it but as a pronouncement by the entire group *(per curiam)*—is a remarkably cautious, though often eloquent, document. Some of those in the majority, such as Judges David Bazelon and J. Skelly Wright, are known as strong judicial activists and they are hardly among President Nixon's admirers. Yet the temptation to deal a heavy counterpunch to the President's sweeping claim of absolute, unilateral and unreviewable executive privilege is resisted, with the majority recognizing that presidential conversations are "presumptively privileged" and that the privilege rests on "the great public interest in maintaining the confidentiality of conversations

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that take place in the President's performance of his official duties."

In fact the reputed liberal majority of the federal court of appeals for the District of Columbia comes much closer than even Judge Sirica—a tough law-and-order jurist and usually a defender of the federal establishment—to the great constitutional principle that the President claims to be defending to his own political disadvantage in withholding the Watergate tapes. Judge Sirica ruled that a President must surrender to a judge records of private conversations shown to be relevant to an ongoing federal criminal investigation; he did not make that ruling depend at all on whether the President had voluntarily surrendered executive privilege as to those conversations. The court of appeals, on the other hand, relied heavily on "the unique circumstances" of this case in which Mr. Nixon had declared, on May 22, that executive privilege would "not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up." In light of the stated reasons for the court of appeals decision, there is really not much principle left in the President's refusal to produce the tapes. For, if the court is taken at its word, it has ruled that the President must produce the tapes for the judge only because initially, before the existence of the tapes became known, he had made the "judgment . . . that the interest in the confidentiality of White House discussions in general is outweighed by such matters as the public interest . . . in the integrity of the level of the Executive Branch closest to the President, and the public interest in the integrity of the electoral process . . ." In other words the horrible prospect that future Presidents will be beleaguered by grand jury demands for records of private conversations—Mr. Nixon's stated basis for protecting the presidency by his stand—is unreal because the rule of *Nixon v. Sirica* is only that a President who once waives executive privilege as to certain conversations may not reassert it to protect "the best evidence of the conversations available." Future Presidents will not be affected by the decision so long as they steadfastly assert the privilege.

There had been no announcement from the White House, by the time this article went to press, as to the President's intentions regarding Supreme Court review. While the court of appeals decision rejects the sweeping constitutional argument made by the President and gives Special Prosecutor Cox procedural opportunities that were not afforded by Judge Sirica's opinion, it goes a long way toward meeting the most serious concerns of the White House—possibly further than even a majority of the Supreme Court would go. It also lays the groundwork for a second, and possibly third, appeal before any tapes are ever played for the grand jury. The White House's tactical decision is not, therefore, foreordained. Since the Supreme Court will probably not want to hear this case—no matter how publicized it is—more than once, the President might be better advised to wait until Judge Sirica finally decides which tapes go to the grand jury and which do not before he tries to bring all his arguments—from the broadest assertion of executive privilege down to the narrowest procedural quibble—to the Supreme Court.

The public expectation is, of course, that the case will be taken to the Supreme Court, whose "definitive" decision the President has promised to obey. The Court does have the power to refuse to consider the case since it exercises almost total discretion over its own docket. Even if Special Prosecutor Cox believes that it would be more sensible for the Court to wait until all the loose ends have been tied, he is in no position to urge that the President's request for Supreme Court review be denied. Unless Congress passes special legislation, the Watergate grand jury must conclude its business by early December, so there is not world enough and time for the Supreme Court to defer a decision. In addition if the President tells the Court that, in his considered view, even guarded disclosure to Judge Sirica violates his constitutional prerogative—a position supported by the two dissenting judges of the court of appeals—neither the Court nor Professor Cox could deny that a refusal now to consider the claim would, in effect, decide it against the presidential position. For if the White House is told that it must go through the steps outlined by the court of appeals majority before it can get to the Supreme Court, it is left no choice other than to disclose the tapes, or adequate substitutes, to Judge Sirica. Unless, of course, a determination by the Supreme Court not to consider the case in its yet-unripe form would be taken by Mr. Nixon as an inadequately "definitive" decision which could be ignored.

If the court of appeals decision is obeyed, or if the Supreme Court upholds it by denying review, granting a quick affirmance of the judgment (another possible avenue that Mr. Cox might consider urging), or hearing full argument and then approving the course described by the appellate majority, what will happen next? The President (or any subordinate whom he designates) will have to go through the nine specified tapes to weed out certain kinds of material. First, he may remove any discussion of national defense or foreign relations secrets; the court of appeals majority observed that only "material on one tape" was said to fall into that category. Although both Special Prosecutor Cox and Judge Sirica are entitled to see the explanation of any claim that some part of the conversation relates to such secrets, the court of appeals strongly suggested that the judge defer to the President's assertion in this narrow area, if it is supported by any showing whatever. Whether a discussion of the activities of the White House plumbers or any mention of the Ellsberg

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investigation or prosecution could come within "national defense or foreign relations" as broadly defined —and whether the White House would choose to make any such assertion—is yet to be seen. Might these subjects have been touched upon when the President talked to John Mitchell on June 30, 1972, when they discussed Mitchell's impending resignation as campaign chairman? Or during the meetings of March 21 and 22, 1973, when Howard Hunt's work for the White House was the subject of conversation?

Once the discussion of security secrets is sorted out, the White House is also free, under the court of appeals decision, to segregate, by "itemizing and indexing the material," the relevant parts of the conversations from those that are irrelevant. Anything relating to Watergate and its cover-up should be disclosed, said the court, "even policy and decisional discussions." Judge Sirica must then decide what is relevant, and he may call in Prosecutor Cox to hear any tape and help him evaluate its relevance. At this point, the court of appeals says, there may be another appeal by the President's lawyers to decide whether access by the prosecutor should be permitted to the particular tapes in question.

Once that procedure is concluded and the judge reaches a final decision as to which conversations are relevant, there is yet another protective layer that he may impose. In protesting forced disclosure of the tapes and explaining why Mr. Nixon allowed testimony regarding the conversations but balked over production of the verbatim record, Professor Wright observed that recordings "contain spontaneous, informal, tentative and frequently pungent comments on a variety of subjects inextricably intertwined into one conversation." There may, in other words, be embarrassing, off-the-cuff remarks about public figures or public incidents on the tapes, and one suspects that the President has been as much concerned over the effect these would have on his public image as he is over any downright inculpatory remarks he or others may have made. The court of appeals majority has even provided for this contingency by allowing the use of "excerpts" and "summaries" that would give to the grand jury not a verbatim transcript but only a precis of relevant talk, "much like a bystander who heard the conversation and is called to testify." A reconstruction of actual conversation, cast "in such a way as not to divulge aspects that reflect the pungency of candor," would eliminate the intriguing possibility that the public might ultimately learn exactly how Richard Nixon deals with his immediate staff and the precise words he used on hearing the first Haldeman-Ehrlichman report on Watergate.

That the public will ever hear any substantial part of the renowned Watergate tapes becomes less and less likely. The careful limitations of the five-man majority opinion suggests that the court of appeals will not look favorably on the Ervin committee's request for production of Watergate-related tapes. The Congress is simply unable to make the overpowering "showing of need" for specific tapes that a federal grand jury can make. The tapes are absolutely critical evidence of crime; they are barely needed—much less essential—to the legislative mission of the Ervin committee.

So it is likely that the grand jury, and it alone, will see a transcript or summary. It will probably never hear the tapes, unless the Supreme Court chooses to overrule the cautionary approach taken by the court of appeals. And grand jurors are sworn to secrecy. Neither Archibald Cox, who alone of his staff may hear the raw evidence, or the small group of President's lawyers is ever likely to leak the unedited truth.

Let's Look before We Leap

Campaign Financing

by Walter Pincus

For more than 10 years I have written about the financing of presidential and congressional campaigns, and until last year the toughest part of that assignment was to get accurate, complete information. Neither candidates nor their fund-raisers wanted to talk frankly; explaining who gave and why could only cause them trouble. The public did not understand how or in what amounts money was raised and for the most part did not care. The campaign fund reporting laws in those days permitted every politician, whatever his views

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on reform, to keep his benefactors hidden.

The secrecy was often advantageous to the donor as well as the receiver. And yet both the candidates and the contributors were uneasy as they dealt with each other in this dimly lit world of political financing. Then, with the advent of television, campaigning costs skyrocketed. The rich, the interest groups, labor and business were the first to be squeezed for more. And they did give more and got others with similar views to begin giving. New contributors sprang up on opposite sides of legislative battles. The doctors gave to block "socialized medicine," and the unions gave to secure medicare. Competing corporations gave; so did opponents of the Vietnam war. Racists and anti-racists gave; polluters and environmentalists gave. How much each gave, whether the amounts on both sides were roughly equivalent or not, and what effect that money had on executive decisions or congressional votes were not known. The public generally assumed the worst—government could be bought. The press—and I was part of it—helped to bolster that assumption. Stories about campaign funds usually left the impression that donors were putting in the fix and that politicians went along. As for the general public—well, it was unwilling to dig into its pockets to pay to elect anyone.

In the 1960s a reform move got underway, pushed by President Kennedy (who was amazed at how much it cost to run and win) and by President Johnson (who was embarrassed by the nasty notices he received for fund-raising in 1964 and 1966). There were some offstage whispers about the need for federal financing, but reform efforts were then directed at complete financial disclosure, enforcement, limitations on spending and contributing, coverage of primary as well as general elections and, above all, encouragement to small contributors. With a broadened base of funding, it was argued, candidates would be freed from dependence upon the large interest-group donors.

With the passage of the election reform act of 1971, the public got its first good look at the costs of a presidential campaign, the now notorious campaign of 1972. The sight was appalling. Corporations, which are barred from donating company funds to campaigns for federal office, were solicited—and some gave illegally. Individuals doing business with governments were tapped, as were those seeking favors. The number of those who gave $500,000, $100,000 or more was beyond anything the public had imagined. And when it became apparent that some of this money had paid for illegal burglaries and buggings and faked documents and spying by the Republican campaign organization, the cry for more radical reform was loud. This time, however, the reformers aimed to eliminate or minimize private financing, replacing it with federal funding of elections.

The senators, representatives and organizations promoting the new reform insist that public financing would do away with the "distortion" or "subversion" of our politics since candidates would no longer be bound by obligations to "special interests"; anyone, regardless of his resources, could run for office; the unemployed worker, the welfare mother or the steelworker would have the same access to his congressman as the president of General Motors. The Utopian note was best struck by Senator Kennedy when he told a Senate Rules Committee that, "At a single stroke, by enacting a system of public financing, Congress can shut off the underground rivers of private influence money that poisons politics at every level of federal government."

Now let's pull back for a moment and try to see where we are. Congressmen elected in 1972 filed complete reports on all contributions they received—at least those that came after April 7, 1972, the date the new law took effect. Common Cause, among other organizations, has a major study underway of the linkage between contributors and members of congressional committees, and that study may tell us a good deal more about why the committees vote as they do. Will the "underground rivers of private influence" go right on flowing if Common Cause documents the charge of bought votes? Won't the publicizing of such contributions have some disciplining effect on pressure groups and lobbyists whose activities would not be shut off in any case, whatever the mode of campaign financing? If officials of Union Carbide in 1972 gave to every member of the House Commerce Committee, that would be on record; knowing that record, those on the other side of a Union Carbide issue will know where in the Congress to put their energies and their publicity. Full disclosure of contributions in effect may help neutralize the advantages gained initially by donors, and in addition should encourage other pressure groups, including those representing the public interest, to get into the business of contributing. That to me is broadening the base. Is not that prospect good enough reason for giving the 1971 act a chance to prove its worth, especially if it is strengthened, as it ought to be, by new limitations and enforcement provisions recently passed by the Senate, including the setting up of an independent election commission?

Campaign funds do more than influence the votes of legislators or the decisions of policymakers. They are an integral part of a very complex system of nominating candidates and of electing them, and the process is different on almost every level of government. The nomination process for the House varies from state to state, district to district, and a House race differs from statewide Senate campaigns, which themselves vary from state to state. The presidential nomination process varies not only from state to state, but from candidate to candidate. To impose a uniform method of financing on all candidates, both in primary and general elections, would inevitably require one uniform selection process thereby dislocating a variety of local

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and state arrangements whose strength as well as weaknesses have been certified by experience. When we speak of public financing we are suggesting not simply some casual reform but a fundamental change in the heterogeneous ways candidates for federal office are chosen.

We have, I believe, exaggerated the limiting effect the need to raise campaign funds has on prospective candidates. And we are in danger of forgetting that the present system is largely responsible for our having two parties, as against three, four or more parties in congressional, senatorial or presidential elections. Do we want to change the two-party system? If so, we are talking of a major structural change, a hazardous one, and not one that should come about as a side effect of public financing.

How much serious study has been given to the impact of public financing of the multitude of campaigns that would be covered? One plan, using public funds to finance only the general election of a President, *has* been studied. The 1971 tax check-off, allowing each taxpayer to put one dollar into the 1976 presidential campaign chest of either or neither party is now law. It is reported that some three million dollars was designated on 1972 tax returns for that purpose, a low amount attributed in part to the Internal Revenue Service's failure to include the proposal on page one of the return. More should come in over the next few years, and a sizable pot could be divided by the nominated candidates of the two major parties in 1976.

Senators Kennedy and Scott are pressing to open this kitty to House and Senate candidates in the general elections of 1976, and to eliminate all private contributions once the nominations are over. The idea is very attractive to incumbents. By keeping public financing out of the primaries, the Kennedy-Scott bill will gain support from dozens of their colleagues from one-party states or districts who do not relish the prospect of challengers financed by federal funds—challengers who under the present system have little incentive to run and no chance to win. And though Kennedy and Scott would eliminate the private contributor from giving in the general election, they do not diminish his importance prior to nomination, in a primary, state convention or national convention. On the contrary the Kennedy-Scott measure would, in my opinion, assure that more money will be pumped into the nominating process, followed by costlier primary and state convention campaigning—all in the knowledge that there will be no need to go back to contributors for more once the nomination is attained.

When the public financers go further and apply their concept to primary or pre-nomination electioneering, the problems multiply. How do you separate serious from frivolous candidates for a House or Senate seat, particularly when the prospect of public money guarantees candidates an opportunity for exposure at a minimum of cost. Do you require signatures on a petition before a candidate is qualified to get federal funds? A firm can be hired to get them—at $50 per 100 in California. Do you require a prospective candidate to raise some amount in small contributions? How much? Since interest groups already are organized and making just such small contributions upon direction, they could have more clout from their traditional donations, while letting the US Treasury pay part of the costs.

What about the presidential race, which may begin for any one of a number of hopefuls at least a year before any primary? Do you require a man to raise $100,000 or $250,000 in small contributions before he gets any federal funds? Must he do that before the first primaries have started or can he start after? Can he do it just before the national convention, even if he has no delegates? Can he keep getting federal funds after losing several primaries? Can a favorite son get his small contributors from his own state, then use his federal money to run in other states?

In all this discussion of public financing, where does the political party fit in? Should federal funds go directly to the candidates? If so, how does a party organization support itself? Won't this make candidates more indifferent to party discipline than they are now? Is this desirable? Or if the party becomes the custodian of federal money, won't we be encouraging various interest groups to set up *their* parties?

The present system of private contributions certainly has flaws, but disclosures are illuminating them and past political advantages may be turned to disadvantages. Future fund-raisers have new guidelines and future donors have a clearer sense of what they are getting into. Public financing is a tempting shortcut, but it will not eliminate interest groups, only divert their energies to other channels of influence. For the congressional elections of 1974, at least, it is worth finding out how the current law, the Watergate affair and public oversight work to cleanse the system. For the 1976 elections, the check-off, limited in scope, deserves a fair trial. One additional step might be taken: provision for free mailing and subsidized television.

The Agnew case had added momentum to the drive for public financing; indeed the former Vice President has suggested this very reform. Here, too, a second look is in order. The Justice Department's 40-page summary describes a kickback system allegedly instituted by Mr. Agnew when he was Baltimore County

COMING: Willie Morris reviews Truman Capote's new book, *The Dogs Bark*

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executive and carried on while he was Vice President. The cash funds delivered to him from contractors allegedly were to be used to meet "substantial political financial demands"; that is, they were political contributions, Agnew and others now say. But were they? In court Mr. Agnew declared that payments he received in 1967 (the year for which he was charged with tax evasion) "were not expended for political purposes." Evidently they were used as income.

In other kickback prosecutions around the country, public officials and contractors have defended themselves by saying that the funds involved were political contributions. Yet many politicians, like Agnew, pocketed the money. Public financing would do nothing to remedy this. It is plain crookedness. For these cases we need to change the contract award system, not the system of campaign financing—unless we think that by making public money available to corrupt officials, they will not need or want to put the arm on the contractors.

The Latest Student Unrest

Money on Campus

by Eliot Marshall

Everyone has heard that the tide of student militantism is receding. On the campuses it touched, it has left the debris of a radical movement that daily grows more concerned with local and personal problems and less with politics. There were no major disruptions at colleges last year, except at Antioch, which was closed for most of the spring semester by a dispute over scholarships for minority students. Yet it is probably wrong to think the campuses have returned to the stability of the '50s; the mood now seems not so much apathetic as disillusioned.

A trip this month to two of the leaders in the college antiwar movement—the University of Michigan at Ann Arbor and the University of Wisconsin at Madison—convinced me that the exuberant radicals of the Vietnam era are being replaced by cool young politicians who choose their fights carefully and who know more about the use of conventional tools like lawsuits and press releases. They have given up the "pure" politics and the absolutism of their predecessors, and they must work harder to get an audience. And in these two places, the most exciting politicians on the scene are black.

The issue this year at the University of Michigan is money. Nothing could be more "relevant." The trouble began last summer when the Supreme Court changed the legal definition of state residency. The university calculated that this would cause a loss of $2.5 million in tuition income this year, and so it moved quickly to redefine its residency terms and raise tuition in all categories. When students returned this fall they discovered that on the average they would have to pay 24 percent more for tuition than in 1972, with some categories running as much as 30 percent higher. For example last year's out-of-state sophomore fee of $1130 per term has risen to $1300, and the out-of-state senior fee has risen to $1400 per term. The increase is large for students, but from the university's viewpoint, it only means a 5.8 percent increase in tuition income.

The first protests came from a group called the Student Action Committee, probably the closest kin to the now defunct SDS at Michigan. It would have had little effect by itself because students seem to regard it with scorn. But on September 5, the "welcome night" for new students, student government president Lee Gill stood up beside some surprised university officials and asked his audience to "join with the entire student body in the struggle against the university's tyranny." He wanted them to subtract from their tuition payments the amount of increase over last year's fees and "put it in your pocket." It was a clever move, for the freshmen (now called "freshpersons" in the paper) responded eagerly in a way that older, more cynical students might not have. The student council endorsed the idea, petitions were circulated and the *Michigan Daily* urged everyone to hold back September's payment because, "We, the students, are not mindless pawns to be rearranged at will in the university's chess game."

Whether or not the strike succeeds economically is not as important as its political impact. University vice president for academic affairs Allen Smith says

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there is no worry about "cash flow," that the university won't know until December how much money has been withheld. Lee Gill claimed as many as 10,000 signatures (out of a 30,000 student population) on petitions against the hike, but other estimates were between 4000 and 5000. The number attracted to demonstrations was much smaller—150 at most. Gill explains the discrepancy as evidence that many students are willing to support political causes quietly, but not march for them. No one doubts that the tuition protest has speeded up the pulse of campus politics.

The revival is chiefly due to Gill himself, a confident, able speaker described by students as "charismatic." He is the first black ever elected president of student government at Michigan. He grew up on the tough south side of Chicago, served a brief term in prison and learned to handle issues and people like a professional pol. His experience makes him radically different from the majority of white, middle-class students, who regard his methods with suspicion. The election that brought Gill to office was tainted with fraud and had to be rerun before he was declared the legal winner. Like the pre-Watergate Nixon aides, Gill is determined above all to get results. When he decided to call a tuition strike he didn't say a word to his colleagues on the student council. He explained, "Well, any time you're in a leadership position, situations present themselves when you can't go back and discuss it with everyone. This was one of those situations. I discussed it with some of my closest aides. . . . The next night council passed a resolution endorsing it, which I already knew [would happen]."

Gill thinks the student council before he became president was "a circus." One of the co-editors of the *Michigan Daily*, Chris Parks, agrees that the council last year was "headed by chumps. No one hated them but no one respected them at all. They were incompetent. At least Gill is competent." Gill himself complains that students have been behaving like ostriches, trying to solve problems by ignoring them. As an example of "where peoples' heads were at," he mentioned David Hornstein, elected last year to the student council as Emperor of the "Bullshit Party." Hornstein and a colleague, listed as "King," described their party officially as "a loose collection of plotters and plodders who occasionally meet in assorted local bars." They ran on a platform promising as its "general purpose" the disruption of council meetings; specific goals were to "set up a student dope co-op," "move meetings to bars" and "not to resign."

Apparently the Bullshit Party caught the mood. There was concern on campus early this year about an increase in drug arrests and a shortage of supplies. The newspaper editorialized in support of a student who was angry at the university for trying to evict him from his dorm for selling marijuana. He was found out, it seems, because he asked the police to go after one of his customers who robbed him at gunpoint instead of paying for his purchase. About 700 students went to Washington to march in the counter-inauguration. Seventy-five American Indians marched on the regents meeting to reclaim a skeleton taken from their reservation 20 years earlier by Michigan anthropologists. The skeleton was returned. There was little news about Affirmative Action at Michigan (considered a women's issue), but student leaders were incensed to learn that the university would not be able to keep a promise made under duress in 1970—a promise to bring the minority enrollment at Michigan up to 10 percent by 1975. The university estimates it will only achieve about eight percent.

Though they are called "pocketbook" issues the questions being raised at Michigan are actually about the purpose of the university and the rights of students. As Gill put it, "I know that salaries increase, and I think that the faculty should be paid in accord with present salary ranges, because I want to keep this a top-notch university. The problem I have is that they have been raising the tuition for three years and not once have they stopped and gone to the students and let them know . . . The whole decision-making process has never been opened up so that students could have some direct input." This is not exactly true because two nonvoting students are allowed to sit on the "budget priorities committee"—an opportunity for boredom that they usually skip. Nevertheless it's true that students, like state legislators, want to know more about the budget, they want to know how their money is being spent and they want more control over its use. As part of this campaign, the student council and the *Michigan Daily* sued the university to make public a list of faculty salaries. The case was thrown out, but they intend to try again.

Interest in the budget is easy to understand. According to a study by A. J. Jaffe in *The Chronicle of Higher Education*, college costs in the '50s and '60s rose faster than personal income, faculty salaries rose faster than other professional salaries and colleges spent on the average 20 percent of their income on new construction. Michigan, for example, has committed itself to $46 million in improvements: five buildings are under construction, four are in planning and two are being remodeled. Students wonder whether the now-annual tuition increases will bring any improvement in the quality or quantity of teaching.

An entirely different sort of budget dispute is raging at the University of Wisconsin in Madison. The administration has been told by the state and by education experts like those on the Carnegie Commission that it must be less extravagant and cut back all nonessential services. The first to go under the new austerity were student services: personal counseling is no longer free; there is no housing office and free treatment at the clinic has been reduced from two weeks to a day. The university took another economy step this

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summer, announcing that it would no longer support the Afro-American Center (given as a concession to radical agitation in 1968) or any other ethnic center. That decision was announced in August, the $90,000 supplied annually to the center was cut off, phones were disconnected and employees assigned to new posts. The university also wanted to take back a dilapidated house it had lent out as a Native American Center. When employees of the Afro center refused to leave, the university announced that it would have nothing more to do with them. Both centers are being occupied 24 hours a day by students.

For a long while the university had trouble deciding why it had closed the centers. It argued that they were nonacademic and segregated, then abandoned those charges and slowly confirmed what the people at the centers had said all along: it didn't like what they stood for. Dean of Students Paul Ginsberg described it this way: "Whatever support they [the centers] offered to minority students . . . I don't think they related directly to the academic process, in a very narrow sense, that begins with recruiting students to come to this university, admitting them, enrolling them, educating them and finally graduating them. In many ways I have come to believe that the centers really were alternatives to the institution." The centers clearly saw themselves this way; in their view the university was a very sophisticated machine for turning out dead-heads. The Afro center was particularly aggressive in criticizing the university.

Kwame Salter, its director, now fired, said, "Obviously I am being punished for my political ideas. I haven't violated any procedural rules. . . . We've just taken their values and stuffed them down their throat. They want to get rid of me because I still have a sense of urgency. I'm effective, I've bruised a few egos . . . If we had come in here and burned incense and beat drums we never would have had any of this trouble." Salter says he will stay on and fight, but there's little he can do.

The closing of the Afro center is the kind of issue that a couple of years ago would have torn the college apart. The university's position was weak and shifting throughout negotiations on the center, yet politicians on campus were unable to raise more than a few hundred out of 34,000 students for a rally against the university's decision. An attempted boycott of classes in September failed utterly. Radicals were even thrown out of class by students when they burst in with a call to arms. Probably many people felt as a writer for a student paper did, that "If I had been here in 1969, perhaps I might have believed in the power of a student strike. As it is, I don't. I believed Monday the university had made up its mind and a strike wouldn't change that." Neither the university nor the groups occupying the centers want violence. This may be a sign of greater sophistication, or perhaps a sign that neither side feels very confident of the outcome. Those occupying the centers are so suspicious of the university that they think it would welcome a small riot as a way to swing student opinion against the radicals. There is no reason to think this is true. Salter says he intends to file suit against the university, but at the moment the two sides are stalemated.

The president of the Wisconsin student association, John Rensink, believes that the lack of interest in this struggle is not a sign of apathy, but of cynicism. Students feel strongly about issues like this, he says, but they feel powerless to do anything about them. They are even more despairing about national politics. According to Rensink people interested in radical ideas in Madison have stopped making political gestures and are devoting themselves to working out their ideas in their personal lives. Madison is full of co-ops and experimental stores. The student association, which is financially independent of the university, supports an "anti-profit" pharmacy and small department store and contributes to a co-op book store. There are several large grocery co-ops in Madison, a Blue Bus free community clinic, Yellow Jersey bicycle co-op, a co-op garage where members can do their own repairs or pay a mechanic, a co-op clothes store, restaurant, school and day care center. The co-op stores contribute one percent of their sales to the Madison Sustaining Fund, a money pool set up to aid co-ops in distress and help new ones get started. It has given out more than $18,000 since 1971 in gifts and interest-free loans, but at the moment it is suffering from internal squabbles.

Remnants of the old movement abound in Madison, but interest is declining rapidly. The most important symbolic event for the student movement occurred in Madison on September 28; on that day Karleton Armstrong pleaded guilty to setting off a bomb that killed one person and wounded several at the Army Mathematics Research Center in August 1970. That bomb, along with the Weatherman riot in Chicago, severely damaged the antiwar movement and for many people confirmed what Spiro Agnew and Richard Nixon were saying about protesters. Armstrong accepted a charge of second degree murder, explaining to his surprised followers that "This is what I want." His lawyers said that by avoiding a trial he would do away with the "emotional presentation of the accidental death" and have a chance to "put the war on trial" at his sentencing hearing. But no matter what the explanation, it sounded like defeat. The school paper predictably urged students to "show our support and to renew discussion of the bombing and political resistance. Karl needs our support now more than ever." The opposition student paper, founded with the help of local businessmen during more violent days at Madison, called this "language splashing in a sea of nonsense." The rally to cheer Armstrong drew 50 people, who stood in the rain outside the courthouse and then went home. The students didn't come.

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Stanley Kauffmann on films

Young Americans

Martin Scorsese grew up in New York's Little Italy and has made a film about his home neighborhood. This personal impulse, which would not exactly be hot news in any other art, is so unusual in American film that it has already knocked some people sideways. Scorsese is a graduate of the New York University film school, has taught there, and has made a previous feature set in lower Manhattan, *Who's That Knocking at My Door?* His new picture *Mean Streets* (Paramount) is very much better—more intense, better integrated. Nevertheless its intensity is often theatrical in the wrong way, it's both lumpy and discursive, and it ends up only a fairly bright promissory note.

The screenplay by Scorsese and Mardik Martin centers on two young Italian-Americans, a hood with a conscience and a slightly demented drifter, played by Harvey Keitel and Robert De Niro. Keitel is seen—or is meant to be seen—through a prism of Catholic anguish as his *capo* uncle grooms him for Mafia success, as he writhes through an affair with the drifter's cousin (the girl is an epileptic!), and as he tries to look after the feckless but violent drifter, who is his best friend. De Niro, gleefully and savagely loony, blows up mailboxes and scares people with rooftop sniping, welches on a loan, manipulates Keitel's friendship, goes berserk toward the end, and brings death to Keitel and himself.

I think we're supposed to feel that plot is not the point, that the film exists for its milieu and texture, but it doesn't come out that way. So much of the script gets mired in the tropes of gangster melodrama that plottiness intrudes; and, conversely, some scenes limp, so the very plottiness is bilked. As for texture the editing is jumpy and irresolute; for instance in the first church scene, there's a lot of leaping from long shots to close shots to reverse shots, revealing a lack of *vision* of the scene. The color is garish and flashy in barroom scenes, in the esthetic fallacy of trying to look like what it's about, but abandoning this idea elsewhere. (The idolaters of *The Godfather* told us that the wedding party looked faded in order to simulate home movies. But wasn't that sequence shot by the same people who shot the rest of the film?) Scorsese simply hasn't found the objective correlative in his very method that George Lucas, with Haskell Wexler's help, found in *American Graffiti* to lift banal material out of and beyond itself. Scorsese gropes and stabs and lunges along.

Honesty of intent is rare in any nation's films, but it has been even rarer in US films until the last decade or so. Most of our films, and particularly the ones by talented men, compromised as best they could. So when we get an honest film, as this one wants to be—particularly when it's autobiographical in tenor—it overimpresses everybody. Worst of all it overimpresses the filmmaker himself who thinks his honesty will see him through his artistic problems. It won't. Recently we saw this in a play called *Moonchildren* by a young American named Michael Weller who was out to tell the truth about his generation but who was so insecure as a playwright that he fell into theatrical falsity on the way to his thematic truth. In filmic terms this happens to Scorsese.

We get the *Godfather* scenes, the strip-teaser scenes, the good and the bad slum kids who are nevertheless pals *(Angels with Dirty Faces)*, the ultimate gunning-down. I don't question the truth of the material, I question Scorsese's ability to lift it out of the movie gutters into which less truthful directors have trampled it.

And Keitel's religious remorse and aspiration, which could have been part of the paradox of Mafia Catholicism, wither into a tag. He is the only one in the film shown to have religious impulse or doubt, so instead of being generic, his spiritual questions become an obvious device to make Our Hero sensitive. The way that the hero of bad novels is the one guy in his gang who won't go to brothels and thus we know he's poetic, that's the way Keitel is the one guy in his gang who goes to church.

The incompleteness of every inner motion affects the film as a whole. When it's over we want to know what it was *for*. To tell us what life is like today in Little Italy? A 20-minute documentary could have made the (implicit) point that these former slums have changed inwardly, if not outwardly, into middle-class centers. And is this *all* there is to life in Little Italy? Is he telling us that everyone there is like this, that there is no escape? If so, just to name one instance, how did Scorsese come out of it? The film gives us no hint.

Still, *Mean Streets* has some ragged, intermittent flashes of fire, particularly in a pool-room brawl triggered by De Niro and in his angry explosion at a usurer. In *Bang the Drum Slowly* De Niro understood what he wanted to do as the dumb doomed Southern catcher; he simply couldn't summon up enough of the juices and flavors. Here he is wild and strong. It's a flash part, and every actor who sees it will gnash his teeth because he'll know that anyone with any talent at all could score in it. The *part* is a success (it always has been); De Niro happens to have it. He uses it very well, but, without putting him down, I note that he's had some good luck in casting lately: a sweet guy doomed to die and a loose, pathetic, obscene quasi-maniac. What actor could ask for more?

Keitel has a much less flashy and much more difficult part, not monochromatic, in fact rather scattered in conception. He works hard to pull it together and generally succeeds.

Call *Mean Streets* an example of Type One of the New American film, the Urban Truth—including such pictures as *The Graduate, The Landlord, Medium Cool*, etc. *Kid Blue* (Twentieth Century-Fox) is a sample of Type Two, the Revi-

(continued on page 33)

Films Worth Seeing

American Graffiti. George Lucas probes and fixes adolescent culture of the '60s. Often goes through cliché to quintessence.

Bang the Drum Slowly. The baseball picture for those who do and don't like baseball. Good sentiment and humor, though inconclusive.

Last Tango in Paris. Despite what you've been led to think, the Brando-Schneider sex scenes are about a third of the picture. The first few of them are genuinely strong.

State of Siege. Costa-Gavras, who did *Z*, deals with the murder of a US official in Uruguay, 1970. Tendentious but gripping; or gripping but tendentious.

SK

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Crawford Woods on TV

Presidential Television

Presidential television: the odd, the chilling thing is that the phrase has no feel of the absurd. Test on the tongue some others and see how strange they sound: legislative television, judicial television, opposition television. Public television makes the oddest sound of all.

The phenomenon of presidential broadcasting has come about swiftly.

Published this week, *Presidential Television:* A Twentieth Century Fund Report by Newton Minow, John Bartlow Martin and Lee M. Mitchell (Basic Books; $8.95)

Franklin Roosevelt was the first chief to really understand—and this is of crucial importance, it is the essence of executive air time—that broadcasting could bypass Congress and link him one-to-one with the people. He once announced a bill veto on the radio: "I'm going to put it right to the housewife. Maybe she can hold the boys in line better than I can."

Years later Pierre Salinger amplified the idea for JFK and mounted live network coverage of news conferences, thus bypassing the press as well. He saw to it that his President used television with more subtlety than his two televised predecessors had. "Kennedy created yet another television innovation . . . an attempt at presidential *cinema-verité* . . . intended to give the public the impression of having access, through television, to the President, rather than the reverse."

At issue here is the utter sacrifice of substantive content to manufactured style. In this province we have no genius larger than Richard Nixon. His credo in his own words: "One bad camera angle on television can have far more effect on the election outcome than a major mistake in writing a speech . . ." He was blessed with a new key to the most powerful voice in the world. "In the old days of campaigning," the authors note, "the candidate had tried to see in person as many of the voters as possible . . . But his real objective was to be seen by as many voters as possible. The best medium for access to a mass audience is television . . . County fairs . . . were reduced to colorful settings . . . The effort was directed not at the event itself but at the image it would convey to voters far removed from the event . . . What mattered now was a visit to a photogenic background to provide a film clip for the seven o'clock news." So was the visceral root of each man's vote deflated to an electronic shadow.

Thus some handsome presidential attitudes toward the medium over which Presidents have almost unchallenged command. The escalation of tube time, its strategic deployment to defraud viewers, were perhaps inevitable. No technocrat spurns a new tool. In his first 19 months in office Nixon appeared in prime time 14 times—double Johnson's record, which was almost double Kennedy's. He was on for over seven hours to Johnson's three-plus and Kennedy's not quite two. Slaughtered in the "great debates," blown away by Pat Brown in California, he came back a man so burned by the camera that he had only one recourse: to master it. The years since then contain the record of how superbly well he did.

But before Nixon the White House hammerlock on TV had been firmly established. In general Presidents decide exactly when, where and how they will be in everybody's living room. No President has ever been refused TV time or had the politics-free purity of his speeches too closely looked into. And everything a President does, from walking a dog to marrying off a daughter, is news.

What opposes this enormous power? Precious little. The slippery bog of law and doctrine (equal time, fairness, etc.) promulgated by the FCC does not meet the problem, and the Constitution provides no guidance for a near-crisis that could make the checks and balances system tilt all one way. The Supreme Court spurns the hot arena of television and is probably correct in doing so; but it thereby loses the ability to make a quick public counter to its critics. Many members of Congress would doubtless mortgage their souls for free air time, but find it hard to come by. Leaders of the party not in the White House encounter a similar wall.

The authors of this book suggest some promising ways out of this morass, including regular prime-time coverage of congressional debates, the deregulation of presidential and opposition television, and improved coverage of the Supreme Court. Look for the specifics of all of this in the book itself; they proceed from arguments too lengthy to be adequately summarized here. Like most of the written products of foundation-funding and the committee mind, the book is built with wooden prose. Missing are the nails of metaphor and wit. No matter. It is a very important book. No doubt it is destined for institutional libraries and Sunday debate. A pity. A huge audience badly needs to hear what it has to say—an audience ideally no smaller than the President's own.

In the days of Watergate there is new significance to this question. There is less Watergate coverage on our televisions now, not because of some dire conspiracy at the "highest level," but because unlike the President, the Senate select committee is no longer "news." It does not pay its way. In phase one it did, and as the authors point out, writing of the full coverage then given to the hearings, "while the President's prestige dropped with each day of testimony before the committee, the committee's more articulate and photogenic members were added to the list of possible future presidential candidates." Which means that one of them may some day get all the free prime time he wants.

Beginning Typing

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Michael Niflis

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Subversions and Uprisings

Before the Revolution:
The Vietnamese Peasants under the French
by Ngo Vinh Long
Foreword by Alexander Woodside
The opening section of this book recounts the impact of French colonial rule on the Vietnamese peasant society from the 1880s to 1945. This is followed by a group of moving and personal "fictional" accounts in translation. Because of the stringent censorship during this period, Vietnamese writings on social change took the form of the short story and the novel. "Some of the best documentation of conditions of peasant life appeared in fictional disguise," writes Mr. Long—and the prolific outpourings of these tormented and often short-lived writers became a most sophisticated means of indirect opposition to French rule.
$12.50

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This new paperback edition of an important book contains additional material that brings the story right up to the present.
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by D. G. Boyce
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by Pierre Broué and Emile Témime
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The MIT Press
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The Professional Grouch

Chronicles of Wasted Time
Volume I: The Green Stick
by Malcolm Muggeridge

(Morrow; $6.95)

Malcolm Muggeridge, the career curmudgeon, has started to reveal how he got that way in this first of a three-volume autobiography. Here he writes of his first 30 years and the elements in them he was later to reject: liberal journalism, the intellectual left of Britain, his agnostic, Marxist upbringing, the pernicious and fatuous nature of colonial rule and of Soviet Russia.

A life of vitriolic rebellion against fools and assassins, through the written word, began in hero worship of the writer, any writer. "To compare a writer with some famous soldier or administrator or scientist or politician or actor was, in my estimation, quite ludicrous. There was no basis for comparison; any more than between, say, Francis of Assisi and Dr. Spock."

Muggeridge is probably best known as one-time editor of *Punch*, but he had set his sights much higher than magazine editing. He wrote plays, had one produced, also wrote fiction. He succeeded in neither realm but did produce "a Niagara of words" for newspapers and magazines and adds with poignancy: "I confess they signify to me a lost life."

He offers a disclaimer to bitterness over literary failure. No regrets for masterpieces unwritten or genius unfulfilled he says. Why not? Because he was born into a civilization already dying, maybe dead. Art and literature have definitely expired. The contemporary genius is technological and the arts are in the hands of charlatans and drunks. Hemingway hit the mark only when he blew his brains out. Maugham was a pederast celebrating the lost bourgeoisie in the century of the common man. Shaw, when he criticized Muggeridge's only produced play, misunderstood it, just as he misunderstood Shakespeare, Caesar and everything else. Eliot was the death rattle in the throat of a dying civilization.

Muggeridge is another Miniver Cheevy: "At the beginning of a civilization, the role of the artist is priestly; at the end, harlequinade. From St. Augustine to St. Ezra Pound, from Plainsong to the Rolling Stones, from El Greco to Picasso, from Chartres to the Empire State Building, from Benvenuto Cellini to Henry Miller, from Pascal's *Pensées* to Robinson's *Honest to God*. A Gadarene descent down which we must all slide, finishing up in the same slough."

Muggeridge's corner of the slough turned out first to be teaching English to blank-minded Indians and Egyptians in colonial schools, later working among pusillanimous, queasy liberals on *The Manchester Guardian* and at length fulfilling his early leftist dream of living in Russia. The last section forms the richest segment of this sassy book.

Serving as *The Guardian's* man in Moscow removed Muggeridge's leftist verve. When his editor refused to print his exclusive exposé of the Russian famine, which was to kill millions, Muggeridge separated himself from moderate men as well. He left Russia, equating it with Germany under Hitler and seems not to have changed his views much since then. He ridicules transient pundits like Shaw, who came to Moscow during the famine and reported no one going hungry, and H. G. Wells who won a rare confrontation with Stalin and then tried to interest him in the P. E. N. Club. He is very tough on other Moscow newsmen of that era, among them Louis Fischer, Maurice Hindus and especially Walter Duranty, *The New York Times'* man, ". . . a little browbeaten boy looking up admiringly at a big bully," whose dispatches, Muggeridge claims, were often "evidently nonsensically untrue" but whose exalted status helped shape FDR's Russian policy. Muggeridge blames *The New York Times* for having "spared no expense or effort to ensure that capitalism will not survive."

Acidulous portraits of Bertrand Russell, Ramsay MacDonald, Beatrice and Sidney Webb, Winston Churchill ("something malign and disagreeable, as it seemed to me, behind the image-mask of high living, low thinking and general

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amiability") and many more spice Muggeridge's summaries of his own and the century's early years. He is not all acid. He loves his wife, loves love, covets humility but says it probably will elude him, admires a few, a very few, friends along the way, says he cherishes life and wishes no man ill.

He is particularly fond of Jesus and says the New Testament was "the key to how to live" for him. He is now a repentant carnalist, admits cultural fraud (carrying books for show) and treachery to employers and lovers; frequently he wears his memoir like sackcloth.

He talks of his belief in immortality and of being not far from the beyond (he's 70). So this repentance begins to sound like a confessional soliloquy just before the curtain. His rage against almost all he once accepted smacks of facile rebellion and professional grouching.

But we can't accuse the complex Muggeridge of being cowardly, expedient or facile, not after a life dense with the pursuit of knowledge and wisdom; at least not yet. He makes a serious effort to balance the book with marginal positive thinking, but obviously he's far more at home gutting somebody with his edgy syntax and letting them bleed all over his paragraphs.

Writers as heroes? A few helped him learn, but they're dead, and now he doesn't even value this long, triadic memoir he's writing. Despite his disclaimer, the impression thus far in the Muggeridge story is that the protagonist failed to create himself as an artist, settled for journalism, an inferior alternative, and has been taking it out on everybody else ever since.

William Kennedy

Band of Outlanders

Raw Material
by Alan Sillitoe
(Scribner; $6.95)

The Riverside Villas Murder
by Kingsley Amis
(Harcourt Brace Jovanovich; $6.95)

On Drink
by Kingsley Amis
(Harcourt Brace Jovanovich; $4.95)

Of all living English writers none can match Alan Sillitoe's sharp instinct for the grinding pain and convulsive joys of working-class life. *Saturday Night and Sunday Morning* and *The Loneliness of the Long Distance Runner* probably are this generation's most vivid documents of how the majority of English people live and think. His latest is a "self-portrait . . . part novel, part autobiography," a brief, toughly affectionate return to his Nottingham origins.

Alan was the first Sillitoe to read and write. His father could do neither. "To move into rich kingdoms of literacy in one generation is more complicated than I could have thought . . . What I consider to be my slowness of perception is perhaps an unconscious though deliberate ploy to retain some of the defensive and often advantageous traits of my antecedents."

The Sillitoes were a hard, unforebearing, raging family, knocked partly senseless by the Industrial Revolution. Alan's maternal grandfather, to whom the book is a kind of testimonial, was a pit blacksmith named Burton. Independent and tyrannical, "he believed in spreading his suffering, and putting up with it by making others suffer." A right old scoundrel was Grandpa Burton, feeding into the family heritage a strain of vengeful craftsmanship and cunning survivability. The Sillitoes proper—like Uncle Fred the lace-designer—were dreamier stock.

Like so many British families the Burton-Sillitoes were turned over by World War I. In the second half of *Raw Material* Alan, the writer-son, takes a walking tour along the Somme where Uncle Edgar was captured by the Germans. Suddenly the book's simmering anger erupts. "If Waterloo was won on the playing fields of Eton, the British class war was fought out on the Western Front. . . ." Within 10 minutes of Haig's suicidal attack starting on July 1, 1916, 60,000 men, including many of Nottingham's Sherwood Foresters, fell to 100 German machine-gunners. "The blow finished Britain as a world power . . . and it is from the Great War that the drift between officers and men, governing and governed . . . really began." The English upper class murdered the pride of its working class, even its own sons, because "war seemed the only alternative to revolution."

Sillitoe's intention is to slice away at the years of self-lies and working-class patriotism to reveal the grittier, unromantic nature of the midlands yeomanry from whence he sprang. This he does admirably. He is less successful with his all-too-frequent detours into woolly, guilt-ridden meditation on the impossibility of finding Truth. "Fiction is a pattern of realities brought to life by suitably applied lies . . . The Big Lie can also be made out of innumerable small truths. . . ." Understandably, because of his closeness to the subject, Sillitoe tries to distance himself with this kind of apology. None is needed. *Raw Material* is a modest but beautifully felt book.

Back in the late 1950s Kingsley Amis was one of that talented band of outlanders (like Sillitoe) that shook literary England to its fusty roots. The mandarins patronizingly termed them "provincial" or, in Amis' case "red brick," in the hope they'd die off after a first novel. A few did. A remarkable proportion, including Amis, stayed the course.

I am not normally an Amis enthusiast. I dislike his nasty, elitist politics and his tendency to keep rewriting the same adolescent hero in adult disguise. (See *Lucky Jim, One Fat Englishman,* etc.) But he has the virtue, rare in England, of refusing to accept an imposed definition

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of what a Serious Writer ought to write about. Recently he's elaborated on James Bond, written science fiction and an excellent ghost story, *The Green Man*. Now he's chosen to romp about in a consciously conventional armchair mystery which I found immensely enjoyable.

The Riverside Villas Murder could easily have been a sniggering send-up but it isn't. In one sultry, exciting 1935 summer young Peter Furneaux discovers sex and, inadvertently, the murderer of an unpleasant neighbor in a middle-class London suburb. Deliberately archaic (much reference to Marie Stopes and Jim and Amy Mollison) and bestrewn with false clues, it's done with relaxed skill and *almost* hits the lazily sinister note I used to associate with a cracking good mystery read. I was mildly shocked at how easily I guessed the killer, but that could be part of Amis' cleverness. The other part is that, for once, his adolescent hero actually is 14 years old.

Kingsley Amis *On Drink* I've had to pass on to my dipsomaniac friends for judgment. They unanimously acclaim it as funny, cynical, wise, entertaining, sensible. His dry martini is 15 to one which makes him, drink-wise, my kind of man.

Clancy Sigal

Law and Love

Do With Me What You Will
by Joyce Carol Oates

(Vanguard; $7.95)

Is Joyce Carol Oates, the only American woman writer of talent who has matched the industry of her British counterparts such as Doris Lessing, Muriel Spark and Margaret Drabble, to be cubbyholed as they have been? Is this remarkable novelist, a woman who is never afraid to take risks, a woman whose fictional works confront our contemporary scene, doomed to suffer the fate of Lessing, for example, and be seen only as an authority on the role of women? To do so would be to miss what she is all about.

In novel after novel, story after story, Oates gives us her own tragic America, a personal vision as perceptive as it is instructive and terrifying. She does not so much preach as show us ourselves on an exaggerated screen. Her damaged women, her haunted men are grotesques but always under her firm artistic control. They are as old fashioned as the wild, secretive loners who roamed the streets of Winesburg, Ohio at twilight. But, as with Sherwood Anderson's folk, Oates' swollen characters are relevant to and complement the horror and dangers of our American landscape. The truths of our lives are exhibited in the excesses. In no work of hers is this as evident as in her latest, lengthy novel, *Do With Me What You Will*.

The author describes her book as "a love story that concentrates upon the tension between two American 'pathways': the way of tradition or law; and the way of spontaneous emotion—in this case, Love." Perhaps. But it is much more. Oates, like Doris Lessing, is concerned with how single, apparently isolated, often horrible actions are the sum total of strong, ambivalent forces in our lives. Freudian motivations mix, in an eccentric way, with modern political realities. Like Doris Lessing, Oates is profoundly knowledgeable about the nuances and shams of the political life; this is a very *contemporary* novel. We are constantly being made aware of the specific times, the specific places. With Dreiserian exactitude she lets us know that the present moments, with their unique fads and trends, contain philosophies that must be accounted for, must be defined.

The first part of *Do With Me What You Will* is labeled "Twenty-eight Years, Two Months, Twenty-six Days" and is devoted to Elena Howe, a woman who seems always to be used, almost a parody of the women who exist only as defined by others. But she is much more. She has, in literal fact, lived through the nightmares that lie just beneath the surfaces of too many lives. As a child Elena was kidnapped by her father, a disturbed, frightened figure who steals her from a school playground and takes her on a terrifying cross-country trip to California. When she is finally rescued crucial harm has been done. From then on she denies her own self; she can only exist when manipulated for the good of others. Her attempts at expressing love are futile. All she has is a beautiful body and a vague sense of shame.

Her father, Leo Ross, dyes her blonde hair black so that they will escape detection. He in turn wears a wig. Elena is thus introduced to a life of disguises. People must pretend to survive. She is also lectured on the role of women. "Your daddy looks skinny and weak because he's sick, and all his life he's been thin and weak-looking . . . but your daddy is very strong, Elena, men are very strong, much stronger than women, and your daddy is going to protect you." Her father's rage is aimed at lawyers, men he feels helped to ruin his life. Thus early in the novel the law becomes an essential part of the architectonics of the work. Every important character in the novel is either a lawyer or someone harmed by the law; the novel uses the law as a fundamental metaphor. Our courts, our trials, our laws grind out a reality that tells us perhaps too much about ourselves. We are all lawyers or clients, even if we don't know it.

Elena's mother is a vulgar opportunist who both uses (and steals from) men and reviles them. She never comes to terms with her beautiful child's unholy fright. Both mother and daughter become professional models. The mother pounds the lesson of beauty into her apathetic child; when Elena is finally married off, part of the agreement is that the mother keep far away. Elena's husband, a man much older than she, is a flamboyant, energetic, successful lawyer, a man who is faithful, in his fashion, to his profession and his wife; he cheats on both. At 28 years of age Elena Howe, whose face was literally her fortune, is a childless society matron. Like Mrs. Bridge (in Evan S. O'Connell's novel of the same name) she is quietly, beautifully, uneventfully going insane. She needs to be rescued.

In her introduction to a recent anthology of short stories (*Scenes from American Life*, Random House), Oates says

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that a lie can illuminate the truth for an artist. "Instinctively, we want either lies that we can know as lies, or truth that we can know as truth. A newspaper in the mid-South declares bluntly: 'We print Only the Truth—No Fiction.' But the two are hopelessly mixed together, mysteriously confused. Nothing human is simple." Telling truth from lies is the ostensible job of the legal profession. The theme of law, with its declared enemy, spontaneous action, becomes clear in the second section of the novel. Elena's future lover Jack Morrissey is introduced. As a child he was dreadfully harmed by a series of tragic events ending in a court trial of his father for murder, at which young Jack was forced to testify; his father was found innocent due to temporary insanity. The lawyer for the defense, a man Jack came to worship, was Marvin Howe, the man Elena married. Jack becomes a lawyer, specializing in lost causes; he comes to represent, ironically enough, a legal philosophy that is the antithesis of the comfortable code lived by Howe. And of course when he becomes Elena's lover, there is a battle for Elena's soul. The men, almost parodies, are archetypal lawyers, Howe living in the headlines, Jack devoted to the public good. Both use the law to extend their personalities; one man bullies it, the other worships its potentiality. The law, it seems, has become an end in itself for these two intelligent men.

Joyce Carol Oates is a superb writer with a perfect eye and ear. She has the uncanny ability to give us a cinemascopic vision of her America, from the "Red Neck, White Sox, and Blue-Ribbon Beer" crowd to the rich world of Marvin Howe. And when Howe states that, visiting a new city, the first thing he looks for are "not the big tall buildings, not the cultural centers and the fountains and the potted evergreens, but the police—how they look on the street, what shape they're in, their height, the conditions of their uniforms, their style," we know we are in deep trouble. This complicated, frightening novel gives us back ourselves in art; Joyce Carol Oates lovingly documents our guilts.

Charles Shapiro

Coming

Eleanor Edelstein reviews the new Malcolm Lowry biography by Douglas Day

The Sharing of Land and Resources In America

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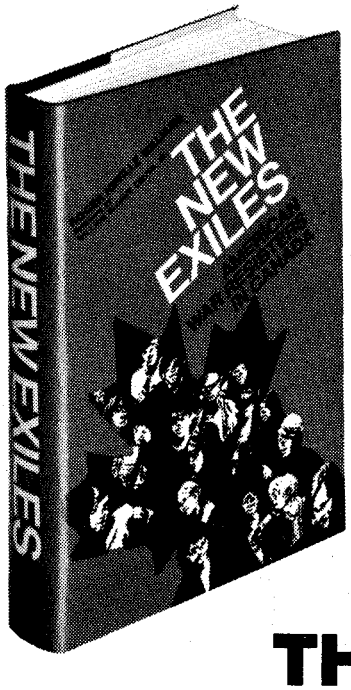
AMNESTY
OR "REPATRIATION"?



The amnesty debate is burgeoning; undoubtedly it will be an election issue in '72. But before TV journalists and the candidates define the terms and set the limits of the debate, Americans should find out what kind of people went into exile and what those 100,000 young men think about the issue and about the United States. Why do they use the term "repatriation" for their return? *Will* they come back? What would they leave behind?

THE NEW EXILES by Roger Neville Williams is an in-depth portrait of the exiles living in Canada. Candid interviews portray a "community" that includes a deserter from the Presidio mutiny who now lives on a commune in British Columbia and a draft-dodger, now an English teacher in Newfoundland. Deserter, draft-dodger, east, west, hip, straight—they're all included. Their history, their status, their views.

Listen to the new exiles and then decide where *you* stand on the issue.

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$2.95 in paperback (also available in cloth at $7.95)

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Materials for a Biography

The Life and Mind of John Dewey

by George Dykhuizen

(Southern Illinois University Press; $15)

More than 20 years have elapsed since the death of John Dewey but until now no personal or intellectual biography has appeared that has even remotely done justice to his ideas and their remarkable influence upon American culture. That influence is nonetheless pervasive despite the revolt and reaction against it, observable among the old and new traditionalists as well as among the New Left and the protagonists of the counterculture. Indeed it is testimony to the vitality of John Dewey's leading principles that the current strictures against the use of intelligence and scientific method in human affairs, faith in the liberating possibilities of education, and reliance on reforms within the democratic political system are directed against a complex of ideas associated more clearly with Dewey than with any other philosopher of our time. Those who go to the unusual lengths of reading Dewey carefully will be surprised to discover the extent to which modish criticisms of social planning and the rational ordering of personal experience have been anticipated, considered and undercut by a powerful fusion of historical and conceptual analysis.

It is therefore with keen expectation that one turns to this book advertised as a "definitive" study of the life and thought of John Dewey. As a biography it has many merits. It is a detailed and painstaking account of a long life, based on diligent research and written without effusive piety. But it is far from being definitive except in settling some matters of peripheral interest to Dewey's central concerns. As a first step toward a definitive biography or even a good interpretive biography, Professor Dykhuizen's book deserves high commendation for the patience with which he has tracked down and accumulated relevant data. He has placed all future writers on Dewey in his debt; he has saved them wearisome legwork. But the major tasks of interpretation and evaluation still remain to be done. What he has presented is a very useful chronicle, a *Who's Who* entry expanded to book length. It is not likely that the reader will get from this recital of events in Dewey's life and summaries of his articles and books a sense of Dewey's towering stature as a thinker, his revolutionary technical contributions, still largely neglected by professional philosophers, the moral courage and intellectual humility of his public life and the quiet humor and unruffled sanity of his personal life.

The chief difficulty of a chronicle such as this is that it follows a temporal sequence without discriminating between what is important and trivial. The calendar rather than the emerging leading ideas becomes the principle of organization so that a description of a visit to a foreign country or of a political activity is followed abruptly by a summary of a highly abstract or technical philosophical essay, unrelated to what precedes or follows. In consequence the internal landscape of Dewey the man is not explored. One gets to know all about what happened to him, what he did and wrote and yet in the end one remains strangely unfamiliar with him as a person, father, friend and colleague.

As a biographical subject John Dewey is indeed a difficult problem. Almost pathologically shy, he was extremely reticent in talking about his feelings. Yet he was so sensitive to the feelings of others that he would often undercriticize and overpraise lest something in the process of being born be aborted by too fierce a dialectic. His speech and judgments were so deliberate and qualified that they suggested a mass of inhibitions and repressions. Yet he himself was always impressed—and sometimes too much so—by the spontaneous, colorful, unguarded expressions of emotion. Aware that one's duties followed from roles accepted in associated living, he sought to justify them—not altogether successfully—as either productive of abiding satisfactions or as safeguards of the enjoyments of others. His harshest judgment of anyone was to charge him with "irresponsibility" which meant not so much failure to live up to one's duty for duty's sake but failure to consider consequences for others. For these and allied reasons a good biography will require extraordinary psychological insight.

Far more important than speculations about the psychological context and causes of Dewey's ideas are the nature of these ideas and their grounds, and the degree of their validity against the searching objections by a whole array of powerful critics of his social and philosophical thought. Dewey was one of the godfathers of *The New Republic*. His writings expressed the logic and ethics of liberalism, now as in the past under vehement attack. An adequate biography therefore must come to grips with his defense of the possibility of a rational or scientific ethics against the critiques of traditionalism, emotivism and skepticism. This requires a restatement and fresh evaluation of his conception of experience, of intelligence and of value against the recurrent revivals of Hume on the one hand and Kant on the other.

Professor Dykhuizen is well aware of these issues and states them in Dewey's terms, but does not elaborate or evaluate them. Yet the crucial question on which not only the philosophy of liberalism hangs but also all rational endeavor is to explain in Santayana's phrase, "how thought can be practical," which neither Santayana nor any of Dewey's critics comes anywhere near solving but which Dewey's own theory of truth as warranted assertion offers the most promising answers at present available.

Even as a chronicle there are some curious lacunae in Dykhuizen's account. Among the more important are the failure to mention Dewey's resignation as a contributing editor to *The New Republic*, one of the aftermaths of the organization of the Commission to Investigate the Truth about the Moscow Trials which Dewey headed; and the running philosophic debate between Dewey and Bertrand Russell in which, not without a touch of malice, the agnostic Russell persisted in charging Dewey with cosmic impiety and in interpreting his philosophy as an expression of America's business civilization of which Dewey, after Veblen, was the severest critic; and Dewey's role in the Barnes-Russell imbroglio.

However the shortcomings of this pioneer effort should not blind us to the value of the materials Professor Dykhuizen has here assembled in the course of a lifetime of dedicated research. (He was handicapped by the fact that he

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was denied access to Dewey's posthumous papers.) The more than 100 pages of footnotes to sources and some rare photographic illustrations compensate for the failure of the book to live up to the encomiums of the blurb writers. It will not be "exciting reading" even to those who participated in some of the events described. It will be instructive reading to those who want to find out more about the grey, gentle figure who has been charged in some quarters with helping to bring down Western civilization.

Dewey's adult life spanned a period in which some of the greatest intellectual and technological advances in human history were made. At the same time, and partly in consequence, one of the profoundest changes has developed in man's conception of himself as responsible for his own future in an unfinished, hazardous world that mocks his quest for absolute certainties and securities. Even the youngest of readers who has heard of Dewey only as an educator will hopefully get a sense of what it means to be a thinking man in action, engaged without conceit or heroics in a permanent struggle to humanize the conditions of life for all, unafraid to live with the risks of freedom disciplined by intelligence. Once he grasps the centrality of method in Dewey's ethical and social thought, and especially the emphasis on the interrelatedness of means and ends, and then recalls the non-negotiable demands made by militant students and their techniques of confrontation, he will acquire an immunity to the clichés of the counterculture. He certainly is not likely to accept the bizarre judgment of Harold Taylor who asserts in his introduction that "the generation of Young Americans in the 1960s who began . . . to take up the work of educational and social change on their own terms [*sic*] are the philosophical decendants of John Dewey."

Dewey was once called a Yankee saint and on another occasion an American Buddha. Like all praise it made him wince. He was wont to say, when he was lauded for his moral virtues by critics who distorted and then dismissed his philosophy as a compound of confusions, that he was much more confident of the validity of his ideas than of the nobility of his character. The judgment of posterity on Dewey's character or on Dewey the man is problematic. It awaits a far more searching scalpel than is at work here. Far less uncertain is it that posterity will regard him as a philosopher par excellence of the modern world, and that it will agree with the words of Morris R. Cohen, that "if there could be such an office as that of national philosopher, no one else could be properly mentioned for it."

Sidney Hook

During the years 1915-1935 John Dewey contributed 160 articles to this magazine. On April 2, 1924 he wrote:

The fundamental defect in the present state of democracy is the assumption that political and economic freedom can be achieved without first freeing the mind. Freedom of mind is not something that spontaneously happens. It is not achieved by the mere absence of obvious restraints. It is a product of constant, unremitting nurture of right habits of observation and reflection. Until the taboos that hedge social topics from contact with thought are removed, scientific method and results in subjects far removed from social themes will make little impression upon the public mind. Prejudice, fervor of emotion, bunkum, opinion and irrelevant argument will weigh as heavily as fact and knowledge. Intellectual confusion will continue to encourage the men who are intolerant and who fake their beliefs in the interests of their feelings and fancies.

And on March 5, 1930:

. . . Any kind of political regeneration within or without the present parties demands first of all a frank intellectual recognition of present tendencies. In a society so rapidly becoming corporate, there is need of associated thought to take account of the realities of the situation and to frame policies in the social interest. Only then can organized action in behalf of the social interest be made a reality. We are in for some kind of socialism, call it by whatever name we please, and no matter what it will be called when it is realized. Economic determinism is now a fact, not a theory. But there is a difference and a choice between a blind, chaotic and unplanned determinism, issuing from business conducted for pecuniary profit, and the determination of a socially planned and ordered development. It is the difference and the choice between a socialism that is public and one that is capitalistic.

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More Music of Time

Temporary Kings
by Anthony Powell

(Little, Brown; $6.95)

Twice in Anthony Powell's *The Music of Time*, at the end of both the second and third trilogies, the words of the mage Eliphas Lévi are quoted by visionary characters: "to know, to will, to dare, to be silent." Now in the middle of the last trilogy, *Temporary Kings*, the injunction has new application. Followers of this longest of English novels will recall that the last trilogy of *The Music of Time* set us into the postwar world of English letters. In *Books Do Furnish a Room* Nick Jenkins had met the Orwellian writer X. Trapnel, a man who willed and dared unflaggingly, but who did anything but keep silent. Trapnel with his death's-head swordstick, his pub soirées, his cruising the edge of poverty, and his last and fatal involvement with Pamela Widmerpool, was the representative of the writer-as-experiencer: his confiding in the arch-destructress Pamela had led to her consigning his death-bed manuscript to a London canal. So now, in a sharply antithetical movement in *Temporary Kings*, the other portion of Eliphas Lévi's injunction comes into force: "to know, and to be silent."

Powell's novel, a consummate work of imagination, is fittingly coming to a close by concentrating on the processes and vagaries of imagination. Being also a great social document, this installment's shift to cosmopolitan Venice, where a writing conference is held, enables Powell to take measure of the new professional gregariousness that throws together people of all nationalities and backgrounds: the reference is now profession, not class. Nick gets to know a young American scholar named Gwinnett, and a quite different sort of American, an extrovert, the filmmaker Louis Glober. Glober loses Pamela Widmerpool (militantly unfaithful to the egregious Lord Widmerpool) to Gwinnett, but the crux is Gwinnett does not crave her, desired though she is by every man who has looked at her since her arrival in *The Music of Time*. Yet another foreign man of letters, the Frenchman and leftist Ferrand-Sénéschal, figures importantly in the story, even though he does not appear at the Venice conference—in fact he is dead. He has had political dealings with Kenneth Widmerpool however, and sexual ones with Pamela. Ferrand-Sénéschal exists in the air, a sort of stagnant pool for hearsay, providing Powell a means for insinuating the kinds of doings notorious in Europe in the late '50s and '60s—those combining sex with Cold War political intrigue. Before *Temporary Kings* is finished these doings are clarified well beyond the bounds of insinuation. Powell knows how to bring into the ambience of *The Music of Time* the unsettling presence of exhibitionism, of voyeurism, of totemism, of necrophilia—he even recounts, though it is short-lived, a fist fight between a couple of competitive males in their own 50s and 60s.

Hearsay has always been important in *The Music of Time*, where the foreground, like life, is compounded mostly of regularities. When Powell wrote *The Kindly Ones* he had to report one of the nuclear events—the appearance in the Jenkins drawing-room of a naked maid-servant—at second hand, for Nick Jenkins was only a child and could not have been there to see it. One of the finest achievements in *Temporary Kings*, though a rather surreptitious one, is the occassional resumption of this brand of second-hand narration. The reason is that Nick is older—in his 50s. He is not in the presence of as much that is outré as he was once likely to be, so that, with the revelations of perversion, of passion, of near-treason—one is tempted to say, of damnation—Nick is near but not there. Nick, trying to glean all this from chance participants, makes it all tenuously alive.

As for the compelling attraction of the latecomer Gwinnett in this novel, he is both emblem and subject—emblem because he is a writer himself, trying to recreate the life of Trapnel, whose biographer he intends to be; and subject because unlike Trapnel he has no flair, does not "live dangerously," is interested in Pamela Widmerpool only because of her association with Trapnel, and is therefore the one who enacts the Eliphas Lévi tenets of "knowing" and "keeping silence." An elusive *subject* he is. It is he as much as anyone who causes the things we want most to know in this novel to remain ungraspable. The novel ends with a sense of things eluding us, quite an antithesis to the spillover of confidences that had characterized Trapnel. And it all relates to the whole problem of aging, the just barely discernible recession of energy that must accompany that process. In such a context there is a moving, gravitational quality to the last words spoken by Nick Jenkins in this penultimate installment of the best novel of this half of our century: "I must be getting on. There's a lot to do. I want to get home before dark."

John Russell

Two Women

Small Changes
by Marge Piercy

(Doubleday; $10)

Marge Piercy's new novel, *Small Changes*, is one of the first to explore the variety of life-styles that women in our time are adopting in order to give meaning to their personal and political lives. They are portrayed as wives, as living in a commune of men and women, in a women's commune, living with more than one man, and living alone. They are shown as caught in the frightening period of the breakdown of institutions, groping to create a community, a culture, a balm to loneliness. Marge Piercy has done a superb job of depicting the pain and uncertainty of this search.

On the day of Beth's marriage ("The Happiest Day in a Woman's Life"), she leaves a working-class family and soon discovers there is no way to communicate with her husband. Insensitive to her feelings and disdainful of her discoveries and developing ideas, the break finally comes when he flushes her birth control pills down the toilet and tries to rape her. (The law, incidentally, does not recognize rape by a husband of his wife as a criminal assault.) She leaves, abandoning her young girl's dream of living happily ever after as a bride to travel with a women's theater

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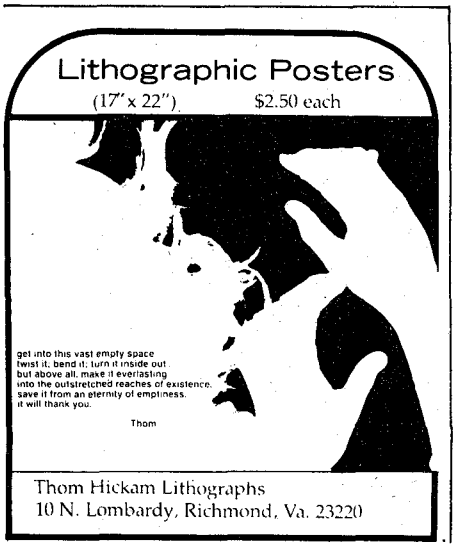
commune and to immerse herself in political activism and a love affair with a woman.

Miriam, the other central character in the book, is a young student, experimenting and exploring, vital and physically attractive. After trying many ways of living, she settles for "security" in a big house near Cambridge, married to her former boss despite her misgivings about his politics, his ethics and philosophy. By the end of the book her husband's new mistress is plotting her own dream of happiness around the plan to capture Miriam's husband.

Piercy is the first contemporary white American novelist to do what Doris Lessing has done in Britain; that is in articulating the subtleties of women's thoughts, she obliterates the dichotomy between the "political" and the "personal." It is refreshing to read a novel that revolves around women protagonists, rather than the usual alienated male, struggling to survive. Avoiding both flights into political rhetoric and deterioration into soap opera, the novel depicts a new reality. If it is flawed, it lies perhaps in oversimplification, in her suggestion that Beth has found a "solution" with another woman; one's doubts are not lessened by the realization that Piercy herself writes from the vantage point of a married woman.

Nevertheless most of the book rings true. As a matrimonial lawyer I know she is not exaggerating the grief that marriage has brought to many people. As a woman who has lived primarily alone these past 15 years, I applaud her portrayal of women's search for a livable life-style. Piercy understands both the chaos and confusion women have faced and also the courage and the strength many of them have found.

Diane Schulder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In Brief

Survive the Savage Sea
by Dougal Robertson

(Praeger; $7.95)

The events leading up to the June 15, 1972 sinking of the *Lucette* began in 1968 when Dougal Robertson—an ex-sailor long inured to being a North Staffordshire dairyman but still nostalgic for the Far East—decided his children were paying a high price for the benefits of country living. Neither his pre-adolescent twins nor his teenage boy and girl had given the faintest sign of being whiz kids. Not one, unless a miracle intervened, was headed for college. But the chief problem, as Robertson saw it, was the inability of local teachers to give his children an understanding of people on the globe beyond North Staffordshire.

Robertson's dissatisfactions surfaced one morning when the family had been discussing a round-the-world yacht race that had made the front pages. "Daddy's a sailor," one of the twins cried. "Why can't we go round the world?" Well, why not? Robertson had a master mariner's certificate, his wife had nursing skills equal to minor crises. He soon sold his farm and cattle to buy a 43-foot schooner, 50 years old. For 18 months he and his family traveled in it, crossing the Atlantic in an approximation of the route Columbus followed in 1492, and then setting off for New Zealand minus their daughter (who had met a Canadian she liked and departed), and plus a 21-year-old Welshman, Robin Williams, a college graduate who had majored in economics and statistics. Robertson was suspicious of Williams' education but hoped the young man would teach the children a bit of mathematics.

The *Lucette* had sailed through the Panama Canal, anchored beneath a burnt-out volcano on one of the Gallapagos Islands, and traveled more than 250 miles southwest of the islands when three killer whales acted the roles of the three Fates. As they rammed the schooner bursts of water shot through the hull planking and what Englishmen delicately call the w.c. During his scramble from the *Lucette*, while waves pulled the hull under in an incredible 60 seconds, Robertson rescued small bags of oranges, lemons and onions.

During their 38-day voyage in a gas-inflated rubber raft and in a glassfiber

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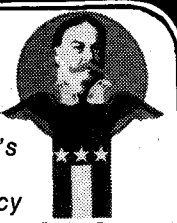

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dinghy (they moved into the dinghy in mid-journey when the raft developed too many leaks), the Robertsons and Williams suffered sleeplessness, thirst, hunger and dehydration. Their eyes suppurated, though a double canopy protected them from the most violent effects of the sun. Salt water infected arms, legs, shoulders and loins with pimples that matured into boils. Lyn forced the twins to go through daily arm and leg exercises, but they gradually lost the power to walk. For whole weeks everyone suffered from a failure of the digestive tract.

Survive the Savage Sea is vivid storytelling, and the savagery is not only the sea's. In moments of anger Robertson struck his oldest son, threatened to lay Williams' jaw open with a paddle, and announced that he would kill the Welshman for his disobedience. Humane despite these lapses he tells in warm terms how the survivors of the *Lucette* clung together, made do with turtles and flying fish, played word-games to veil their miseries from themselves, and showed the love that is capable of abandoning life itself to save others.

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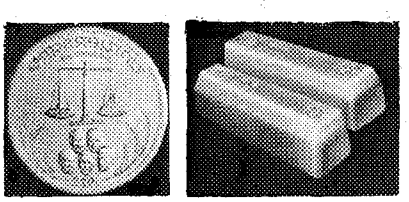

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Doris Grumbach

Eccentric, witty, cynical, difficult, but always compelling and original is Charles Newman's autobiographical treatise, *A Child's History of America* (Swallow Press). Even in proof this is a beautifully produced book, a diary-history-collage of the young author's life, travels and the inside of his complex head; not a book likely "soon to be a major motion picture," to quote from his marginalia. An extraordinary portrait of the artist as a young man, and his times, the '60s, full of self-knowledge, acute and often painful observation.

Reprinted, and about time, is Harry Barnard's memorable biography of John Peter Altgeld *Eagle Forgotten* (Lyle Stuart), out of print for 30 years. Although the prose has an elegiac quality not often present in biographies today, the contents make good reading: the life and times of a German immigrant who became the liberal and courageous governor of Illinois, who, against all public and official opinion, pardoned the anarchists in the Haymarket case so that as late as 1899 he was referred to in *Harper's Weekly* as "the Illinois Communist." A power in the Democratic Party until the defeat of William Jennings Bryan, he practiced law after his departure from politics, and died soon after making a gallant speech that attacked Great Britain for its treatment of the Boers. Altgeld was a politician whose story could well restore our flagging faith in American politics; this reissue of his biography is welcome for that reason alone.

When the op-ed page of *The New York Times* first made its appearance three years ago, the searing, terrible, nightmarish drawings (not to be confused with "cartoons," although they are so described on the cover of this collection) of Fons van Woerkom often accompanied and illuminated the articles. Titled *Face To Face*, Knopf has just published them (from the *Times*, the *Toronto Star*, *Penthouse*, the rest not previously published); together they make a stunning paperback. Van Woerkom's fury and passion will remind you of George Grotz, Dürer, Kathe Kollwitz, Steinberg, but there is a special quality that is like no one else. His wit is cutting yet compassionate, he is a surgeon for every social and political ill, yet there is a salutary edge to his satire. The best buy for $2.95 on the bookshelves.

We had begun to know something about Bloomsbury life from the inside when Quentin Bell published the life of Virginia Woolf last year. Now we know more from Nigel Nicolson's *Portrait of a Marriage* (Atheneum), a graceful re-creation (remarkably so in the light of its revelations) of his parents' lives. Both Harold Nicolson and Vita Sackville-West were bisexual. Vita was as well a transvestite whose great sexual passion was for the beautiful Violet Trefusis and who had a brief affair with Virginia Woolf. The charm of this book lies in the elegance of its narration, the taste with which their son has managed to convey the real, enduring quality of his parents' love for each other. Wrote Harold to Vita in 1926: "I know that your love for me is central, as is my love for you, and its quite unaffected by what happens on the outer edge."

It comes as a surprise to no one, apparently, in the publishing world, in P.E.N., the Authors League, the American Association of Publishers, that when the Soviet Union agreed to adhere to the Universal Copyright Convention(UCC) in May of this year it was not entirely for noble reasons. Stating that it wished to join the West in a more extensive exchange of ideas and contacts and cooperation among creative artists, it is now generally feared that its joining will have the opposite effect, that the Soviets will use American copyrights in published Soviet books to control or appropriate the works of dissident Soviet writers whose works are unpublished in the USSR and thus ensure that works banned by the USSR will not be published abroad. The USSR intends to establish a state-controlled monopoly over its authors' work, with sole power to license the rights for those works abroad. This would effectively cut off the only avenue the "*samizdat*" (or "self-publishing") Soviet writers have for publication. The Authors League of America (6000 members) is supporting Senator John L. McClellan's bill (S1359), introduced at the league's request, which would prevent any foreign nation from using US copyrights as a means of

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suppressing the publication of dissident authors in the United States. P.E.N. has published all the documentary material on this matter (compiled and edited by Stefan Congrat-Butlar). It is information of importance and interest to every supporter of freedom of the press, every hater of censorship and suppression.

If you have not already seen *Wisconsin Death Trap* (Michael Lesy, published by Pantheon in paper) you ought to look at it. It is an extraordinary collection of photographs, bits and pieces of newspaper clippings and entries into the register of a mad house, and excerpts from Glenway Wescott and Edgar Lee Masters, all comprising an iconoclastic portrait of the myth of "a happier agrarian America" on the Wisconsin frontier. These 15 years pictured and described here (1885-1900) are full of violence, madness, accidents, death, corruption, tragedy, making graphically evident that the life of the small midwestern rural town was not idyllic or serene but resembled in most ways the contemporary urban nightmare.

A novella with a strong family resemblance to such diverse works as *Love Story* and Dylan Thomas' *Child's Christmas in Wales*, Pete Hamill's recent *The Gift* (Random House) is short, sentimental, shaved of all the usual novelistic excesses and yet effective and moving. A 17-year-old sailor fresh from boot camp (the time is the Korean war) comes home to Brooklyn for Christmas to a poor Irish neighborhood. He sleeps on the couch in his house full of too many other children, no money, a sorely tried, gallant mother, a drunken, disappointed father. He looks for his girl who has given him up while he was away. Despite the deprivations and disappointments the end is good (the "gift"): Hamill, his own hero, is admitted without challenge to drinking in his father's corner bar, effects an understanding with him for the first time, finds money to give his mother for Christmas gifts, and goes back to the navy a "man," what is more, a happy one. A book which in its sentiment and simplicity is likely to become a Christmas classic.

More pictorial history this time, an intriguing collection of *The Public Notice* (Maurice Rickard, published by Clarkson N. Potter), beginning with a notice in 1684, and containing (because the public notice is self explanatory as well as indicative of the society within which it is posted) humorous, insulting, disciplinary and generally instructive reproductions of notices. One of the nicest is: "Young Girls Wanted/For Pickling & Bottling/Apply Within." (Dated c. 1900.)

Notes on Contributors

William Kennedy *was book editor of* Look, *author of* The Ink Truck *(Dial), and is finishing a book on Jack "Legs" Diamond.* Clancy Sigal, *who wrote* Going Away *and* Weekend at Dinlock, *lives in London where he is finishing a new novel.* Sidney Hook, *emeritus professor of philosophy, New York University, is author of the forthcoming* Education and the Taming of Power *(Open Court).* Charles Shapiro *wrote* Theodore Dreiser, Our Bitter Patriot, *and was visiting professor of American literature and civilization at Brown University last year.* Diane Schulder *is a member of the New York bar and author of* Abortion Rap *(McGraw-Hill).* John Russell *is in the English department, University of Maryland.* Michael Niflis *is a poet who teaches English in Tillamook, Oregon.*

Kauffmann, *from page 22*

sionist Western—the Western that tries to tell us (sometimes humorously) what really went on underneath those mythical Western movies we got and still get. Men use dirty words, sleep with women, aren't always brave or smart—as in *The Hired Hand, Butch Cassidy and the Sundance Kid, The Wild Bunch, Doc, Bad Company*, etc.

Kid Blue is one of the worst of the lot. It was written by Edwin Shrake, co-author of Cliff Robertson's very spotty rodeo picture, *J. W. Coop*. This one isn't spotty, it's rotten. It purports to show how society conspires to keep a reformed bandit from going straight, and it implies that candid robbery is more honest than pharisaism. Hardly a new theme, and this "fresh" look at it is so heavy-handed that the frankness becomes particularly offensive. Better an old-fashioned Western, in ethics and language, than one that pretends to throw off the bonds of the past yet uses such stock characters as the pure-in-heart bandit (Candide as gunslinger), the gold-hearted whore, the jowly evil businessman complete with cigar, the mean lawman, the eccentric clergyman (the Donald Pleasence part, played here by Peter Boyle). Only one of the "good" people offers friendship to the Kid and he turns out to be a latent homosexual.

Shrake is a Texan, so presumably he knows that there could have been a large factory for ceramic knickknacks in an isolated Texas town in 1902, but it certainly looks like an arbitrary symbol of creeping industrialization stuck in to make a point, especially since there's no sign of a railroad to transport the goods from that factory.

Dennis Hopper plays the Kid, and even if he weren't at least 10 years too old for the part he still wouldn't have the necessary appeal. In 1969 Hopper acted in and helped to write *Easy Rider*, which was also his (impressive) directorial debut. Since then he has done nothing of consequence.

Kid Blue was directed by James Frawley. His second feature. I missed his first, but nothing in his leaden-thumbed work here makes me regret it.

The Paper Chase (Twentieth Century-Fox) is Type One, Student Film Subdivision. It's the second film directed by James Bridges. He's the kind of director who, when telling a story from the protagonist's viewpoint, remains in the room with other characters after the hero leaves.

Bridges also wrote the script from a novel by John Jay Osborn, Jr., and it's a mess. The details—of the Harvard Law School—are accurate, I suppose, but the structure is flabby, inconclusive, silly. At the end the hero, a new student, throws his first-year grades into the sea without looking at them thus proving I don't know what, and thus winning the heart of a girl, who is the daughter of his taskmaster professor. Some cheap grabs are made at the theme of nonconformism, unsubstantiated by anything that happens. Is the rigor of a good law school an example of harmful authoritarianism? What bull.

Timothy Bottoms, the hero of *The Last Picture Show*, has long hair and a moustache as the law student, but they don't make him more interesting. John Houseman, the head of the Juilliard School of Drama and of the City Center Acting Company, found time to play the tyrannical professor, which apparently he enjoyed.

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